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No. 41] NEW DELHI, SATURDAY, OCTOBER 10, 1970/ASVINA 18, 1892

इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह प्रलग्न संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्री और (संघ क्षेत्र प्रशासन की ओङ्कार) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विविध आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 20th August 1970

S.O. 3276.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Delhi Zoological Park (Class III and Class IV Posts), Recruitment Rules, 1960, namely:—

1. (1) These rules may be called the Delhi Zoological Park (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1970.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Schedule to the Delhi Zoological Park (Class III and Class IV posts) Recruitment Rules, 1960, for item No. 6 and the entries relating thereto, the following item and entries shall be substituted, namely:—

1	2	3	4	5	6	7	8	9	10	11
“6 Lower Division Clerks,	G.C.S.	110—131—4 Class III Non-Gazetted Ministerial.	—155—EB —4—175— 5—180.	NA Between 18—21 years.	1. Matriculation or equivalent qualifi- cations; 2. Minimum speed 30 w.p.m. in type- writing, provided:- (a) that a person not possessing the said qualification in type- writing may be ap- pointed subject to the condition that he will not be eligible for drawing incre- ments in the pay scale or for quasi- permanency or for confirmation in the grade till he acquires a speed of 30 w.p.m. in typewriting. (b) that a physically handicapped person who is otherwise qualified to hold a clerical post but does not possess the said qualification in type- writing may be ap- pointed subject to the condition that the Medical Board attached to the Spe- cial Employment	NA	2 years	By direct recruit- ment.	10% of the vacancies in the grade of Lower Division Clerks, to be filled by direct recruitment, will be reserved for being filled up by Class IV employees (borne on regular estab- lishment), subject to the following con- ditions:— (a) Selection would be made through a departmental exami- nation confined to such Class IV em- ployees who fulfil the requirement of minimum educa- tional qualification, viz. Matriculation or equivalent; (b) The maximum age for this examina- tion would be 40 yrs. (45 years for SC/ST candidates); (c) At least 5 years service in Class IV would be essential. (d) The maximum no. of recruits by this method would be	10% of the vacancies in the grade of Lower Division Clerks, to be filled by direct recruitment, will be reserved for being filled up by Class IV employees (borne on regular estab- lishment), subject to the following con- ditions:— (a) Selection would be made through a departmental exami- nation confined to such Class IV em- ployees who fulfil the requirement of minimum educa- tional qualification, viz. Matriculation or equivalent; (b) The maximum age for this examina- tion would be 40 yrs. (45 years for SC/ST candidates); (c) At least 5 years service in Class IV would be essential. (d) The maximum no. of recruits by this method would be

Exchange for handicapped or where there is no such Board, the Civil Surgeon certifies that the said handicapped person is not in a fit condition to be able to type.

limited to 10% of the vacancies in the cadre of L.D.C. occurring in a year; unfilled vacancies would not be carried over.

[No. 21-15/68-FD.]

S. N. TULSIANI, Under Secy.

खाद्य, कृषि, सामुदायिक विकास और सहकारिता मंत्रालय

(कृषि विभाग)

नई दिल्ली, 20 अगस्त 1970

एस० ओ० 3276.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति चिडिया घर (वर्ग-3 और वर्ग-4 पद) भर्ती नियम, 1960 का प्रतिरिक्त संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं; अर्थात् :—

1. ये नियम चिडिया घर (वर्ग-3 और वर्ग-4 पद) भर्ती (संशोधन) नियम, 1970 कहे जा सकेंगे।
2. ये शासकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त हो जाएंगे।

2. दिल्ली प्राणि (वर्ग-3 और वर्ग-4 पद) भर्ती नियम, 1960 की अनुसूची में पद संख्या 6 और इससे सम्बन्धित प्रधिकारियों के लिए निम्नलिखित भद्र और प्रविधिया प्रतिरक्षित की जाएंगी; अर्थात् :—

अनुसूची

पद का पदों नाम की संख्या	वर्गीकरण वेतन-मान	प्रवरण पद अथवा वालों के	सीधी सीधी भर्ती वालों के लिये लिए अपेक्षित शैक्षणिक भर्ती और अन्य अर्हताएं।	क्या सीधी लिए विहित वालों के लिए विहित शैक्षणिक अर्हताएं प्रोत्साहित की दशा में लागू होगी
1	2	3	4	5

6-निम्न श्रेणी लिपिक	सांलि० से० 110-3— अर्ग—3 अराजपत्रित अनुसंधियी	लागू 18— नहीं होता वर्ष के 5-180	1. मैट्रिक्युलेशन या समतुल्य अर्हताएं; लागू नहीं होता।
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1 2 3 4 5 6 7 8

6 निम्न श्रेणी सांलिंसे०	110-3-131लागू नहीं	18-21	2. टाइप में कम से कम
लिपिक वर्ग—3	-4-155-व०	होता वर्ष के०	30 श० प्र० मि०
भराजपत्रित रो०	4-175-	बीच	की गति, परन्तु—
अनुसन्धानीय	-5-180		

(क) जो व्यक्ति टाइप में उक्त अहंता नहीं रखता वह इस भार्त के अध्यधीन नियुक्त किया जा सकता है कि वह वैतनमान में वृद्धि प्राप्त करने के लिए या स्थायिकता के लिए या उस श्रेणी में पुष्टि के लिए पात्र नहीं होगा जब तक कि वह टाइप में 30 श० प्र० मि० की गति प्राप्त नहीं कर सेता ।

(ख) शरीर से विकलांग जो, व्यक्ति लिपिक पद धारण करने के लिए अन्यथा अहंता नहीं रखता, इस भार्त के अध्यधीन नियुक्त किया जा सकता है कि विकलांगों के लिए विशेष रोजगार कार्यसिय से अद्विक्तिता बोड़, या जहां कि ऐसा बोर्ड नहीं है वहां सिविल सर्जन यह प्रमाणित करे कि उक्त विकलांग व्यक्ति ऐसी उपयुक्त दशा में नहीं है कि वह टाइप कर सके ।

1	2	3	4	5
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परिवीक्षा की भर्ती की पद्धति, क्या भर्ती सीधी द्वारा भर्ती की दशा में वे श्रेणियाँ यदि कोई हो होगी या प्रोत्साहित जिन से प्रोत्साहित/प्रतिनियुक्ति द्वारा या प्रतिनियुक्ति/ घन्तरण किया जाता है तथा विद्युत विद्युत विभाग घन्तरण द्वारा तथा विभाग पद्धतियों द्वारा भर्ती जाने वाली रिक्तियों की प्रतिशततां	यदि विभागीय वे परिस्थि- प्रोत्साहित समिति तिथी विद्युत जिन में भर्ती मान है तो करने में संघ उसकी संरचना लोक सेवा क्या है आयोग से परामर्श किया जाना है।
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9	10	11	12	13
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दो वर्ष	सीधी भर्ती द्वारा सीधी भर्ती द्वारा भरी जाने वाली निम्नश्रेणी लिपिकों के द्वेष की रिक्तियों की 10 प्रति- शत रिक्तियाँ वर्ग 4 के कर्मचारी द्वारा (जो नियमित स्थापन पर लाए जाते हैं) भरी जाने के लिए, निम्न-लिखित शर्तों के अध्यधीन रहते हुए, आरक्षित रखी जाएंगी —
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(क) चयन वैभागिक परीक्षा द्वारा किया जाएगा जो ऐसे वर्ग (च) के कर्मचारियों के लिए परिसीमित रहेगी जो

न्यूनतम शैक्षणिक अर्हता सम्बन्धी अपेक्षा पूरी कर सकते हैं, अर्थात् वे मैट्रिक्यूलेशन या उस के समतुल्य हों;

(ख) इस परीक्षा के लिए अधिक- तम आयु सीमा 40 वर्ष की

(अनुसूचित जन जातियों अनुसूचित जन जातियों के अस्थियों के लिए 45 वर्ष) होगी;

(ग) वर्ग (च) में 6 वर्ष की सेवा आवश्यक होगी;

(ध) इस पद्धति द्वारा भर्ती किए जाने वालों की अधिक-तम संख्या निम्नश्वेणी के लिपिकों के काउंटर में किसी एक वर्ष में होने वाली रिक्षितयों की दस प्रतिशत तक सीमित रहेगी तथा जो रिक्षितयां भरी नहीं जा सकेंगी वह आगे के लिए नहीं ले जाई जाएंगी।

[सं० 21-15/68-वन विकास]

एस० एन० तुलस्यानी, अवर सचिव।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 14th September 1970

S.O. 3277.—In exercise of the powers conferred by section 87 read with section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the 132 KV Damodar Valley Corporation Grid Sub-station at Kumardhupi, from all the provisions of the said Act for a period of one year from the date of publication of this notification in the Official Gazette.

[No. 6(3)/69-HI.]

अम, रोजगार और पुनर्वास मंत्रालय

(अम और रोजगार विभाग)

नई दिल्ली, 14 सितम्बर, 1970

फा० 3277.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा फुमारधुबी में 132 के ० वी० दामोदर धाटी निगम ग्रिड सब-स्टेशन को उक्त अधिनियम के सभी उप-बन्धों से इस अधिसूचना के शासकीय राजपत्र में प्रकाशित होने की तारीख से एक वर्ष की कालावधि के लिये छूट देती है।

[संख्या फा० 6(3)/69-एच० भाई०]

S.O. 3278.—In exercise of the powers conferred by section 73F of the employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory, known as Hindustan Aeronautics Limited, Nasik Division, Nasik, in an area in which the Provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the date of publication of this notification in the Official Gazette.

[No. F.602(20)/70-HI.]

DALJIT SINGH, Under Secy.

का०प्रा० 3278.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73व धारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार हिन्दुस्तान ऐरोनौटिक्स लिमिटेड, नासिक लिविजम, नासिक नामक कारखाने की ऐसे भेत्र में जिसमें उक्त अधिनियम के अध्याय IV और V के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय V के अधीन उद्ग्रहणीय नियोजक के विशेष अभिवाय के संदाय से इस अधिसूचना के शासकीय राजपत्र में प्रकाशित होने की तारीख से एक वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं० फ० 602(20)/70-एच आई]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 15th September 1970

S.O. 3279.—In exercise of the powers conferred by section 7, read with section 9 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following further amendments in the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 3380, dated the 26th September, 1968, namely:—

In the said notification, under the heading "II Representatives of Employers", for entries (1) and (2) the following entries shall be substituted, namely:—

"(1) Shri K. V. Ramanamurthi, Deputy Secretary, Ministry of Defence, New Delhi.
(2) Shri M. V. Basrur, Joint Director, Civil Engineering, Railway Board, Ministry of Railways, New Delhi."

[No. 6/15/68-LWI.I (WE).]

HANS RAJ CHHABRA, Under Secy.

(अम और रोजगार विभाग)

नई दिल्ली, 15 सितम्बर, 1970

का०प्रा० 3279.—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 9 के साथ पठित धारा 7 धारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (अम और रोजगार विभाग) की अधिसूचना संख्या का०प्रा० 3580 तारीख 26 सितम्बर, 1968 में एतद्वारा और आगे निम्नलिखित संशोधन करती है, प्रार्थत्:—

उक्त अधिसूचना में "11 नियोजकों के प्रतिनिधि" शीर्षक के नीचे (1) और (2) प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, प्रार्थत्:—

"(1) श्री के० वी० रमणमूर्ती, उपसचिव, रक्षा मंत्रालय, नई दिल्ली।

(2) श्री एम० थी० बसरूर, संयुक्त निवेशक, सिविल इंजीनियरिंग, रेल बोर्ड, रेल मन्त्रालय, नई दिल्ली।

[नं० 6/15/68-एल०डब्लू०आई०१ (डब्ल्यू० ई०)]

हंस राज छावड़ा, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 16th September, 1970.

S.O. 3280.—In pursuance of sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, the Central Government hereby constitute a Committee, consisting of the following members, for the establishment, maintenance and management of Rescue Stations for the areas to which the said rules apply, namely :—

1. Shri M. Subramanyan, Director of Mines Safety, Dhanbad.	Nominated by the Chief Inspector of Mines.
2. Shri S. Yegneswaran, Area General Manager (B & K) National Coal Development Corporation Ltd., Kargali, P.O. Bermo, Hazaribagh.	Nominated by the National Coal Development Corporation Ltd.
3. Shri W. N. Batra, Chief Mining Engineer, M/s. Bengal Coal Co. Ltd., Sanctoria, P.O. Disergarh, Dist. Burdwan.	Nominated by the Joint Working Committee of the Indian Mining Association, Indian Mining Federation, Indian Colliery Owners' Association and Madhya Pradesh & Vidarbha Mining Association.
4. Shri H. N. Mookherjee, Vice-Chairman, Indian Mining Federation, M/s. Khas Kenda Colliery (P) Ltd. 135, Biplabi Rashbehari Basu Road, Calcutta-1.	
5. Shri U.P. Chanchani, Director, Newton Chickli Collieries Ltd., P. O. Parasia, Dist. Chhindwara (MP).	
6. Shri B. K. Varma, Overman, Assistant Secretary, Colliery Mazdoor Sangh, Branch 6 & 7 Pits Colliery, P.O. BHAGA (Dhanbad).	
7. Shri N. K. Lala, Overman, Victoria Colliery, P.O. Kulti, District Burdwan, West Bengal.	Nominated by the Central Government to represent the interests of persons employed in mines.
8. Shri B. P. Hazarika, General Secretary, Assam Coal Mine Workers' Union, P.O. Ledo, Assam.	
9. Shri Sudhir Rudra, Secretary, Colliery Mazdoor Congress, Bengal Hotel, Hussein Street, P.O. Asansol, District Burdwan.	
10. Shri H. Nyogi, Deputy Chief Mining Engineer, Tata Iron & Steel Co. Ltd., Jamshedpur, P.O. Jealgora, District Dhanbad.	Nominated by the National Association of Colliery Managers (Indian Branch).
11. Shri S. V. Krishnamurthy, Manager, Industry Colliery, P.O. Dhansar (Dhanbad).	Nominated by the Indian Mine Managers' Association.

[No. 14/18/69-M.I.]

C. R. NAIR, Under Secy.

(अम और रोजगार विभाग)

नई दिल्ली, 16 सितम्बर, 1970

का० आ० 3280:—कोयला खान बचाव नियम, 1959 के नियम 3 के उपनियम (1) के अनुसरण में, केन्द्रीय सरकार उन क्षेत्रों के लिए, जिनको उक्त नियम लागू होते हैं, बचाव स्टेशनों की स्थापना, उनके बनाए रखने और प्रबन्ध के लिए एतद्वारा एक समिति गठित करती है जिसमें निम्नलिखित सदस्य होंगे, ग्राहीतः—

1. श्री एम० सुश्रमन्त्यन,
खान सुरक्षा निदेशक, धनबाद।

मुख्य निरीक्षक, खान द्वारा नाम निर्दिष्ट।

2. श्री एस० यग्नेश्वरन, राष्ट्रीय कोयला पर्विकास निगम लिमिटेड द्वारा नाम निर्दिष्ट ।

शेत्रीय महाप्रबन्धक (बी एण्ड के) राष्ट्रीय कोयला विकास निगम लिमिटेड, करगाली, डा० बर्मा, हजारी बाग ।

3. श्री डॉ ब्लू० एन० बता, मुख्य खनन इंजीनियर, मेसर्स बंगाल कोल कम्पनी लिमिटेड, सिक्टोरिया, डा० दिसेरगढ़, जिला बर्द्दवान ।

इण्डियन माइनिंग एसोसिएशन, इंडियन माइनिंग फैडरेशन, इण्डियन कोलियरी आनर्स एसोसिएशन और मध्य प्रदेश एण्ड विदर्भ माइनिंग एसोसिएशन की संयुक्त कार्यसमिति द्वारा नाम निर्दिष्ट ।

4. श्री एच० एन० मुखर्जी, उपाध्यक्ष, इण्डियन माइनिंग फैडरेशन, मेसर्स खाश कडा कोलियरी (प्रा०) लिमिटेड, 135, बिप्लबी रासविहारी बसु रोड, कलकत्ता—1।

इण्डियन माइनिंग एसोसिएशन, इंडियन माइनिंग फैडरेशन, इण्डियन कोलियरी आनर्स एसोसिएशन और मध्य प्रदेश एण्ड विदर्भ माइनिंग एसोसिएशन की संयुक्त कार्यसमिति द्वारा नाम निर्दिष्ट ।

5. श्री यू० पी० चन्द्रनी, निदेशक, न्यूटन चिकली कोलियरीज लिमिटेड, डा० परसिया, जिला छिन्दवाड़ा (मध्य प्रदेश)

खानों में नियोजित व्यक्तियों के हितों का प्रति-निधित्व करने के लिये केन्द्रीय सरकार द्वारा नाम निर्दिष्ट ।

6. श्री बी० के० बर्मा, भोवरमेन, सहायक सचिव, कोलियरी मज़दूर संघ, शाखा 6 तथा 7 पिट्स कोलियरी, डा० भागा, घनबाद ।

खानों में नियोजित व्यक्तियों के हितों का प्रति-निधित्व करने के लिये केन्द्रीय सरकार द्वारा नाम निर्दिष्ट ।

7. श्री एन० के० जाला, भोवरमेन, विक्टोरिया कोलियरी, डा० कुलती, जिला बर्द्दवान, पश्चिमी बाल ।

खानों में नियोजित व्यक्तियों के हितों का प्रति-निधित्व करने के लिये केन्द्रीय सरकार द्वारा नाम निर्दिष्ट ।

8. श्री बी० पी० हजारिका, महासचिव, असम कोल माइन वर्कर्स यूनियन, डा० लेडो, असम ।

खानों में नियोजित व्यक्तियों के हितों का प्रति-निधित्व करने के लिये केन्द्रीय सरकार द्वारा नाम निर्दिष्ट ।

9. श्री सुधीर सद्र, सचिव, कोलियरी मजदूर कांग्रेस, बैंशल होटल, हृसेन स्ट्रीट, डा० भासनसोल, जिला बर्द्दवान ।

10. श्री एच० नियोगी, नेशनल एसोसिएशन माफ कोलियरी मनेजर्स उपमुख्य खनन इंजीनियर, टाटा (भारतीय शाखा) द्वारा नाम निर्दिष्ट। आयरन एण्ड स्टील कम्पनी लिमिटेड, जमदोबा, डा० जियल-गोडा, जिला घनबाद।

11. श्री एस० बी० कृष्णमूर्ती, इण्डियन माफ मनेजर्स एसोसिएशन द्वारा नाम प्रबन्धक इंडस्ट्री, कोलियरी डा० निर्दिष्ट। धनसर (घनबाद)।

[सं० 141/8/69-एम-1]

सी० भार० नायर, गवर सचिव।

(Department of Labour and Employment)

New Delhi, the 18th September 1970

S.O 3281.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Messrs A. Arumugham Chettiar, Stevedores, Madras and their workmen, which was received by the Central Government on the 14th September, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, CHENNAI

Tuesday, the eighteenth day of August,

One thousand nine hundred and seventy

PRESENT:

Thiru S. Swamikkannu, B.Sc., M.L., Industrial Tribunal

INDUSTRIAL DISPUTE No. 31 of 1970

(In the matter of the dispute for adjudication under Section 10(2) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Messrs A. Arumugam Chettiar, Stevedores, Madras).

BETWEEN:

The Secretary,
The Madras Harbour Workers' Union,
1/73, Broadway, Madras-1.

AND

The Management of Messrs. A. Arumugam Chettiar,
Stevedores, 67, East Mada Church Street,
Royapuram, Madras-13.

REFERENCE:

Order No. 74/8/70-P&D, dated 23rd April, 1970 of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) of Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiru R. Ganesan, Advocate appearing for the Union and of Thiru K. Chairman Selvaraj, Counsel for the Management and the parties having

filed a joint memo of compromise and recording the same this Tribunal made the following.

AWARD

This is a reference by the Central Government by its order dated 23rd April, 1970 of a dispute between the management of Messrs. A. Arumugham Chettiar, Stevedores, Madras and their workmen represented by the Madras Harbour Workers' Union, Madras, for adjudication of the issue which is as follows:

"Whether the dismissal from service of Shri S. Balasubramaniam, Ship Supervisor, of Messrs. A. Arumugham Chettiar, Stevedores, 67, East Mada Church Street, Madras-13, with effect from the 25th October, 1969 was justified? If not, to what relief is he entitled?"

2. Claim Statement was filed on 15th June, 1970 putting forth the case of the Union. The management have filed their Counter on 23rd June, 1970, repudiating the Claim of the workmen.

3. Today, the parties have filed a joint memo stating that the dispute has been settled and their claims are not pressed. Memo recorded. An award is passed accordingly.

(Sd.) Illegible
Industrial Tribunal.

Compromise Memo

1. The workmen agrees to receive Rs. 2,000/- in lieu of his claim for reinstatement in the firm of the management and hereby declares that he won't press this proceedings for reinstatement, the dismissal from service will be treated as retrenchment and the payment is final and full.

2. The Management agrees to pay Rs. 2,000/- to the Workman in consideration of the workman giving up his claim for reinstatement of his service. The Management further agrees to issue a Conduct Certificate and a Service Certificate to the workman in the event of his service is taken over by the Dock Labour Board or any other authority as if he was in service of the Management's firm on the date of such take over.

3. The Workman agrees that the sum of Rs. 850/- that he owes to the Management can be adjusted out of Bonus & the arrears of salary due and payable to him because of the new Wage Board Scale.

4. Therefore, it is prayed that this Hon'ble Court may be pleased to record that the dispute is settled and withdrawn.

Dated at Madras this the 18th day of August, 1970.

For A. Arumugam Chettiar,

(Sd.)

Management—Partner

(Sd.)

Workman

(Sd.) K. CHAIRMAN SELVARAJ,

Counsel for Management.

(Sd.) R. GANESAN,

Witnesses examined for both sides:—None.

Counsel for Workman

Documents Marked:

For Workmen:—'Nil'

For Management:—

Ex. M—1—Dated 25-10-1969—Interim suspension order.

Ex. M—2—Dated 3-11-1969—Notice of enquiry.

Ex. M—3—Dated 24-11-1969—Memo for second explanation.

Ex. M—4—Dated 28-11-1969—Apology letter by the petitioner.

Ex. M—5—Dated 8-12-1969—Dismissal Order.

(Department of Labour and Employment)

New Delhi, the 21st September 1970

S.O. 3282.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1073, dated the 10th March, 1970] the copper mining industry, to be a public utility service for the purposes of the said Act for a period of six months from the 25th March, 1970;

And whereas the Central Government is of opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th September, 1970.

[No. 1/60/70-LRI(I).]

(श्रम और रोजगार विभाग)

नई दिल्ली, 21 सितम्बर 1970

कांग्रा० 3282—यसः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित था, श्रोदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तुक के उपबंधों के अनुमरण में एक अधिसूचना [भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संबंधी 1073 तारीख 10 मार्च, 1970] द्वारा तांबा खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 मार्च, 1970 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

श्रीर यसः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः, अब श्रोदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तुक द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए केन्द्रीय सरकार एसद्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 सितम्बर, 1970 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० 1/60/70-एल० आर० I (i).]

S.O. 3283.—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1074, dated the 10th March, 1970] the lead mining industry to be a public utility service for the purposes of the said Act for a period of six months from the 25th March, 1970;

And whereas, the Central Government is of opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th September, 1970.

[No. F. 1/60/70-LRI(ii).]

का० आ० 3283—प्रतः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित या, ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तुक के उपवर्त्ती के अनुसरण में एक अधिसूचना (भारत सरकार के अम, रोजार प्रीर तुनर्वा मंत्रालय (अम ग्रौदर रोजार विभाग) की अधिसूचना सं० का० आ० 1074 तारीख 10 मार्च, 1970) द्वारा सोना खनन उद्योग को उक्त अधिनियम के प्रयोजन के लिए 25 मार्च, 1970 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

ग्रौदर यतः केन्द्रीय सरकार की राय कि लोक हित में उक्त कालावधि को छः मास की ग्रौदर कालावधि के लिए बढ़ाया जाना अपेक्षित है ।

प्रतः ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 सितम्बर, 1970 से छः मास की ग्रौदर कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० का० 1/60/70-एल भार I (ii)]

S.O. 3284.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947); [being the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1075, dated the 10th March, 1970], the zinc mining industry, to be a public utility service for the purposes of the said Act for a period of six months from the 25th March, 1970;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th September, 1970.

[No. F.1/60/70-LRI(iii).]

का० आ० 3284—प्रतः केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित या, ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तुक के उपवर्त्ती के अनुसरण में एक अधिसूचना (भारत सरकार के अम, रोजार प्रीर तुनर्वा मंत्रालय (अम ग्रौदर रोजार विभाग) की अधिसूचना सं० का० आ० 1075 तारीख 10 मार्च, 1970) द्वारा जस्ता खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 मार्च, 1970 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

ग्रौदर यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि को छः मास ग्रौदर कालावधि के लिए बढ़ाया जाना अपेक्षित है ।

प्रतः ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (vi) के परन्तुक प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25 सितम्बर 1970 से छः मास की ग्रौदर कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० का० 1/60/70-एल भार ()]

New Delhi, the 26th September 1970

S.O. 3285.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 22nd September, 1970.

ADDITIONAL INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Shri U. N. Mishra, B.L., Presiding Officer, Additional Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 1 OF 1970

Dated Bhubaneswar the 15th September, 1970

BETWEEN

Punjab National Bank—1st party

AND

Their workmen—2nd party

APPEARANCES:

Sri A. Roychoudhury, Staff Officer, Assistant General Manager's Office, Calcutta—*On behalf of the 1st party*

Sri C. L. Bhardwaj, General Secretary, All India Punjab National Bank Employees Association, Delhi—*On behalf of the 2nd party.*

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in their Order No. 23/88/69-L.R.III dated the 31st January 1970 referred the following point to this Tribunal for adjudication.

“Whether the demand of the All India Punjab National Bank Employees Association for confirmation of Shri Sharda Prasad Singh, Godown Keeper at Cuttack Branch, with effect from the 26th May 1965 is justified? If so, to what relief is the workman entitled?”

2. After receipt of notices from the Tribunal, both parties filed their written statements.

3. The workman concerned through the General Secretary of All India Punjab National Bank Employees Association has stated in his written statement that Sri Sharda Prasad Singh is a Graduate who was appointed as a temporary Godown Keeper from 26th November 1964 to look after the stocks in Godowns of various parties kept at Malgodown, bearing Bank's name plates inscribed with the words “in possession of Punjab National Bank” and all these godowns were locked by Bank's own locks on which the words (Punjab National Bank) have been inscribed and all those godowns including goods stored therein were insured by the Bank. He was also required to do other clerical duties. He continued to do work as the Godown keeper-cum-clerk from 26th November 1964 continuously onwards and was getting annual increments. Sri Sharda Prasad Singh is entitled for confirmation from 26th May 1966 but the management arbitrarily confirmed him from 1st July 1968. The action of the management is not justified to treat Sri Singh as a fresh entrant though he worked continuously without any break.

4. The management in its written statement admitted that Sri Sharda Prasad Singh joined his service in the Bank as a temporary Godown Keeper on 26th November 1964 on a purely temporary basis for 3 months only, after which his temporary services were to be terminated automatically without any notice. It was also stipulated in the terms of appointment that the temporary services of Sri Singh would also be terminated at any time after 14 days' notice. He was appointed at the borrowers's cost and his salary was recovered from different borrowers. The temporary appointment of Sri Singh was however continued till 30th June 1968 and his case was considered with reference to the provisions contained in para 499 of the Sastry Award and he was absorbed as a confirmed Godown Keeper with effect from 1st July 1968.

5. There is no dispute that Sri Sharda Prasad Singh was appointed on 26th November 1964 for 3 months. Ext. 1, the letter would show his appointment accordingly. Though he was appointed for 3 months, his services were extended from time to time till 30th June 1968 after which no extension was given. It is also admitted in the joint petition Ext. L filed by both parties which is marked on the consent of the parties. It is stated therein that the said workman continued to work without any break from 26th November 1964 till 30th June 1968. It is disappointing to note that he was not given any appointment or extension letter after 28th May 1968. Thus his services were utilised indefinitely. One witness has been examined on behalf of the management who stated that the workman was appointed before he joined in the service and his salary was recovered from parties but he was not given any clerical job and he was looking after the Godown. No record whatsoever was produced to show that the salary of Sri Singh was recovered at any time from parties. Ext. L shows the nature of work done by the clerk concerned during the relevant period. Sub-Clause (a) to (f) of Clause 5 of Ext. L would show the nature of work entrusted to Sri Singh from time to time and the work done by him. The evidence of the worker would clearly show the nature of work done by him. Another witness was examined on behalf of the workman who is a clerk-cum-Typist of the Punjab National Bank, Cuttack Branch. His evidence would clearly show how the services of the clerk concerned were utilised as clerk. The evidence adduced in this case coupled with the terms in Ext. L would clearly belie the version of M.W.I that Sri Sharda Prasad Singh was not doing any clerical work. No doubt the clerk concerned gave a letter Ext. 4 stating that he was working as a temporary Godown Keeper since 1964 and yet he has not been confirmed. The letter was sent on 30th April 1968 and it clearly shows that the clerk concerned was appointed on 26th November 1964 temporarily but worked continuously without any break till 30th June 1968 and also doing the work of clerk. I may quote here para No. 499 and 495 of Sastry's Award:—

Para 495 of the Sastry Award: "As regards the period of probation Mr. Charl suggested two modifications of the directions given in the Sen Award—(1) the period of probation should be only for 3 months which may be extended to 6 months in extreme cases and (2) the probationers should be given the same salary as permanent employees. In respect of the first he stated that certain banks such as the Central Bank of India Ltd., Bank of India Ltd., and Bank of Baroda Ltd. generally require probation for 3 months, but in the case of Imperial Bank of India and the Punjab National Bank Ltd. they require probation for six months. This demand was opposed by the banks on the ground that ordinarily a period of 3 months suggested by the workmen was not sufficient to enable the bank management to decide whether or not the probationer should be confirmed. The Sen Award fixed the period of probation at 6 months, which in certain cases would be extended by 3 months. We respectfully agree with the said direction and direct that ordinarily the period of probation should not exceed 6 months. However, in case of persons whose work is not found to be quite satisfactory during the said period but who are likely to improve and given satisfaction if a further opportunity is given to them, the period may be extended by three months provided due notice in writing is given to them and their consent in writing is obtained before the extension of their period of probation. In all other cases probationers after the expiry of the period of six months should be deemed to have been confirmed, unless their services are dispensed with on or before the expiry of the period of probation. We further direct that on a candidate's appointment as a temporary employee, a probationer or a permanent member of the staff, the bank shall give him a written order specifying the kind of appointment and the pay and allowances to which he would be entitled and that such a written order shall be given on the appointment of a part-time employee also."

Para 499 of the Sastry Award: "With regard to godown keepers the workmen demand that they should be made permanent after continuous service of one year or total service of two years if there is a break. We understand that godown keepers can be classified into two categories: (1) those in charge of godowns maintained by banks generally in large cities for storing goods belonging to several parties to whom advances are made, (2) those who are required to look after one or more godowns generally to one party to whom advances are made ordinarily for short periods against goods stored in

the borrowers' godowns, such as in the case of godowns of sugar mills, ginning factories, grain merchants etc. In the case of godown keepers coming under the first category we direct that the period of temporary service should not exceed one year, after the expiry of which they should be placed on the permanent list unless the vacancy itself is a temporary one. In the case of persons coming under the second category whose work is of a temporary nature and whose salary and allowances are generally borne by the parties who are owners of the goods in the godowns, we do not think it proper to insist upon their confirmation even after the expiry of any definite period, particularly as we understand that their emoluments and service conditions in actual practice are not generally different from those of the permanent employees. We however recommend that as far as possible such godown keepers whose work is found to be satisfactory and whose services can be utilized to look after other godowns in the same place or a place nearby or in the clerical establishment of the banks should be made permanent after the expiry of one year."

6. There is no dispute that he was in charge of godowns maintained by Bank generally in large cities for storing goods belonging to several parties to whom advances were made. There is no dispute that Cuttack is big city. Para 3 of Ext. L would show that the name plates of Punjab National Bank were used in the godown which were kept in possession of Punjab National Bank. The Union has given a list of persons whose articles were kept in the godown under the management of Bank. It has not been negatived. Para VI, VII and VIII of Ext. 9 of instructions to Godown Keepers clearly show that how the Godowns were maintained by the Punjab National Bank for storing goods belonging to several parties.

7. The evidence of the worker shows that he used to come to the office at 10:00 a.m. and worked up to 4:00 p.m. as a clerk and after 4 p.m. he used to go to Malgodown area. He has also stated that he used to do clerical jobs such as posting of stock register, issuing of delivery orders, maintenance of stock registers etc. His evidence on this score has not been challenged. The evidence of the worker himself and the witness No. 2 examined on his behalf coupled with in terms of Ext. L, which would show, as I stated before, that his services were utilised as clerk though he was appointed originally as a temporary Godown Keeper. Therefore, under the provisions of para 495 of Sastry Award, he should be confirmed at least one year after his date of appointment.

8. I, therefore, find that the demand of the All India Punjab National Bank employees Association for confirmation of Shri Sharda Prasad Singh, godown keeper at Cuttack branch, with effect from 26th May 1965 is justified. The reference be answered accordingly. Both parties to bear their own costs.

(Sd.) U. N. MISRA,

Presiding Officer,

Additional Industrial Tribunal,

Orissa, Bhubaneswar.

Dictated & corrected by me

(Sd.) U. N. MISRA,

Presiding Officer,

Additional Industrial Tribunal,

Orissa, Bhubaneswar.

[No. 23/88/69-LRIII.]

S.O. 3286.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the Management of Dehri Rohtas Light Railway Company Limited, Dalmianagar and their workmen, which was received by the Central Government on the 23rd September, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 14 OF 1969.

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Dehri Rohtas Light Railway Company Limited, Dalmianagar.

AND

Their workmen.

APPEARANCES:

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri B. Lall, Advocate.

STATE: Bihar.

INDUSTRY: Light Railways.

Dhanbad, 18th September, 1970/27th Bhadra, 1892, Saka.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Dehri Rohtas Light Railway Company Limited, Dalmianagar and their workmen, by its order No. 2/15/69-LRIII, dated 23rd October, 1969, referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of Dehri Rohtas Light Railway Company Limited, Dalmianagar is justified in classifying the three Jeep or Station Wagon Drivers as excluded from the regular category of Drivers and not fixing their duty hours. If not, to what relief the workmen are entitled?"

2. Employers as well as the workmen filed their statement of demands. The employers have also filed their rejoinder.

3. Istihaq Mohammed, Suresh and Somoroo are jeep or station wagon drivers in Dehri Rohtas Light Railway Co. Ltd., Dalmianagar (hereinafter referred to as the Company). In the company's employment there are two categories of drivers, loco drivers and drivers of light vehicles. The three jeep or station wagon drivers are called light vehicle drivers. The case of the workmen is that they are excluded from the regular category of drivers employed by the company and have no fixed hours of their duty, owing to which they are experiencing hardship. It is also stated that they are called upon to duty at the pleasure of the company during day or night and sometimes without any rest for days together. Owing to this they are deprived of their overtime wages which are paid to loco drivers and rail motor drivers. Consequently, they want that their duty hours should be fixed, so that they may earn overtime wages when they work beyond the number of hours fixed for their duty and also wages on the rest days, as they are earned by other employees of the company. The company filed the written statement pleading a settlement, dated 12th June, 1967 and the letter of the Chief Personnel Officer, dated 22nd April, 1968, to be read with the corrigendum, dated 23rd April, 1968. It is further pleaded that the duties of the jeep and station wagon drivers are not essentially of continuous nature and as such their duties are co-extensive with the requirements of the officers to whom they are attached. Hence, the company justifies classifying the three jeep or station wagon drivers differently from the regular category of loco drivers and not fixing their duty hours. The workmen were represented by Shri B. Lall, Advocate and the company by Shri S. S. Mukherjee, Advocate. On behalf of the workmen a witness was examined and on behalf of the company 4 witnesses were examined and Exts. M1 to M13 were marked. No documents were marked for the workmen.

4. It is not in dispute that the three jeep or station wagon drivers, who are affected workmen in the present Reference are employees of the company and not private employees of officers of the company. MW 2, who was the Loco & Carriage Superintendent of the company from 2nd September, 1960 and who is the Chief Engineer from 1st June, 1968, has in his evidence that the company has jeeps which are convertable into station wagons and they are run on rails

as well as on roads. The jeeps are called light vehicles and their drivers light vehicle drivers. There are loco drivers whose duties are different from the light vehicle drivers. Apart from the three affected workmen, the witness has conceded that the company has one rail motor driver and this rail motor driver does not come under the definition of a loco driver and he is also called a light vehicle driver. The name of the rail motor driver is Suraj Nath. The witness further clarified that Suraj Nath, Istihaq Mohammed, Somoroo and Suresh Tewari are light vehicle drivers. The rail motor is an indigeneous device in which the jeep has been converted to fit on railway wheels to work on the railway between stations in similar terms as motor trollys of Indian railways. The only difference between a rail motor driver and the driver of a jeep driven on roads is that the former need not be a licenced vehicle driver and he has to work under the orders of the Loco & Carriage Superintendent. The rail motor driver is paid over time wages when he is required to work for more than 8 hours, whereas the jeep or station wagon driver is not paid over time wages even when he is required to work more than 8 hours a day. It is also conceded by the witness that these three jeep or station wagon drivers get only one rupee when they perform night duty from 10 P.M. to 5 A.M. According to the witness the affected workman Istihaq Mohammed drives his station wagon. The affected workman goes to duty at 8 A.M. and, after the witness finishes his duty at Dehri Workshop, he drives him to Dalmianagar Workshop. The witness is on duty at Dalmianagar Workshop till about 1 P.M. and then he comes for lunch to his bungalow and the affected workman drives him. Around 3 P.M. the witness again leaves his bungalow at first for Dehri Workshop and from there to Dalmianagar Workshop in the vehicle driven by the affected workman. The witness is at duty at Dalmianagar Workshop till about 6 P.M. and then he returns home in the vehicle driven by the affected workman. The witness also clarified that while he is engaged at the workshops the affected workman cannot leave the vehicle and go wherever he likes, except with his permission. According to the witness the affected workman is not generally on any other duty while the witness is at work at Dalmianagar, but at times his services are requisitioned by other officers also. In addition, the witness goes on duty to Banaras, Patna or Hazaribagh 6 to 7 times in a year and on most of such occasions the affected workman, Istihaq Mohammed is his driver. Thus, the witness has spoken about duties of the affected workman, Istihaq Mohammed. The witness has pointed out that the 2nd affected workman, Suresh Tewari drives the jeep attached to the Traffic Manager and the 3rd affected workman, Somoroo the vehicle attached to the Secretary. MW.3 is a shed clerk in the company. He has deposed that the three affected workmen are working under the Loco & Carriage Superintendent. His further evidence relates to log books to show the distances covered by the affected workmen. The evidence of MW.4 also relates to the log books. MW.1 has proved Exts. M1 to M7. The affected workman, Istihaq Mohammed examined himself as WW.1. His evidence is that the jeep or station wagon drivers have no fixed duty hours, that they are given one day rest in a week which is not common to all the three affected workmen, that there is no spare driver to work in their place on their rest day and if one of them is availing rest day his work is done by the remaining two, that if any of the jeep drivers is on leave or sick then also no substitute is appointed in his place and his work is looked after by the remaining two jeep drivers, that from 7 A.M. to 8-30 P.M. or 9 P.M. each of the three affected workmen is on duty and that, if required, they are called after 9 P.M. also for duties. He also deposed that the three jeep or station wagon drivers are not paid over time except a rupee when they work from 10 P.M. to 5 A.M. From this evidence it emerges that each of the three affected workmen, jeep or station wagon drivers is on duty at least from 8 A.M. to 6 P.M. everyday and occasionally beyond these hours also, if required. It also emerges that a rail motor driver, who is also called a light vehicle driver works only 8 hours a day and is paid overtime when he works beyond 8 hours a day. There is no evidence that the duties of a rail motor driver are essentially continuous in nature or for how many hours a day he actually drives the rail motor vehicle. On behalf of the company Exts. M7 to M13 are marked to show that the three affected workmen did not run their vehicle for more than 40 kilometres per day or did not actually drive their vehicles for more than a few hours a day. But this evidence is of no consequence when, as spoken to by MW.2, the affected workmen are not at liberty to leave their vehicle from 8 A.M. to 6 P.M. everyday. It means they are on duty from 8 A.M. to 6 P.M. everyday and it does not make any difference even if they are not called upon even to touch the vehicle. No reason is shown why the company should discriminate between the three affected workmen, jeep or station wagon drivers and the rail motor driver, when all of them are designated as light vehicle drivers and all of them work under the same authority, the Loco & Carriage Superintendent. There also appears no reason why the rail motor driver should have eight hours per day as his

fixed hours of duty and be entitled to over time wages and the three affected workmen should be deprived of the same.

5. The company has laid much stress upon the settlement, dated 12th June, 1967, Ext. M1 and the letters of the Chief Personnel Officer, dated 22nd April, 1968 and 25th April, 1968, Exts. M2 & M4 respectively. Ext. M1 is a memorandum of settlement between the company and its workmen. It appears that the settlement was arrived at on the charters of demands submitted by the union of the workmen and, dated 3rd February, 1966, 17th February, 1966, 20th May, 1966 and 10th January, 1967, as well as annexure A to the notice of strike, dated 3rd June, 1967. Term No. 8 of the settlement says, "it is agreed that demand No. 10 regarding jeep drivers will be referred to the Chief Personnel Officer for final disposal." Ext. M2 is a letter from the Chief Personnel Officer to the Secretary of the union of the workmen, stating that in terms of term 8 of the settlement, Ext. M1 he has disposed of demand No. 10 in terms shown in the letter. None of the terms relate to duty hours of jeep or station wagon drivers, denying or accepting them. Shri S. S. Mukherjee, the learned Advocate for the company has strenuously argued that in view of Exts. M1 and M2 it does not lie with the workmen to reagitate their demand for fixing duty hours. The letter of the Chief Personnel Officer, Ext. M2 refers to term No. 8 of the settlement, Ext. M1 and demand No. 10. Term No. 8 also refers to demand No. 10. But it is not known what the demand No. 11 was and to which of the charters of demands this demand No. 10 could be correlated. None of the charters of demands or annexure A to the notice of strike, dated 3rd June, 1967, referred to in Ext. M1, is produced. So, there is no material to infer that the union on behalf of the affected workmen had made a demand for fixing duty hours, that it was settled as per term No. 8 of the settlement, Ext. M1 or that it was disposed of by the Chief Personnel Officer through his letter, Ext. M2. The matter disposed of by the Chief Personnel Officer through Ext. M2, no doubt, relates to jeep drivers. But the matters relate to weekly rest and to extra payment, etc., but not to the matter as to how many hours per day each of the jeep or station wagon drivers has to be on duty. The Chief Personnel Officer also is not examined. For these reasons I do not find Exts. M1 to M4 as of any use. One more charter of demands and a settlement are brought on record and they are respectively, Exts. M5 and M6. The charter of demands, Ext. M5 is, dated 26th May, 1969 and the settlement relating to it Ext. M6 is dated 27th April, 1970. It is to be remembered that the Order of Reference is, dated 23rd October, 1969. The charter of demands, Ext. M5 or the settlement, Ext. M6 does not refer to a demand relating to fixation of duty hours for the jeep or station wagon drivers. Consequently, they are of no use for the present Reference. The learned Advocate for the company has argued that the very absence of such a demand in the charter proves that the demand was settled and disposed of by Exts. M1 to M4. I am unable to subscribe to this view. Mere absence of the demand in the charter or settlement does not essentially mean that it was settled. It is quite possible that the demand had already acquired the shape of an industrial dispute and was on its way as a reference by the time the charter, Ext. M5 came into existence. The settlement, Ext. M6 being of a date during pendency of the Reference before this Tribunal also supports this view.

6. I, therefore, find that the management of Dehri Rohtas Light Railway Company Limited is not justified in classifying the three jeep or station wagon drivers as excluded from the regular category of drivers and not fixing their duty hours and, consequently, the three jeep or station wagon drivers are entitled to have fixed number of duty hours, be treated as drivers of the regular category of the company and be paid over time wages and other benefits accordingly. The award is made accordingly and submitted under Section 13 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal (No. 2), Dhanbad.

[No. 2/15/69/LR III.]

ORDERS

New Delhi, the 8th September 1970

S.O. 3287.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Premier Insurance Company Limited, Mysore and Shrimati K. R. Radha in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Premier Insurance Company Limited, Mysore-2, in terminating the services of Shrimati K. R. Radha with effect from 19th May, 1969, was justified? If not, to what relief is she entitled?

[No. 40/25/70-LRI.]

आवेदन

नई दिल्ली, 8 सितम्बर, 1970

एप्लोयोर 3287.—यतः केन्द्रीय सरकार की राय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में प्रीमियर इंश्योरेंस कम्पनी लिमिटेड, मैसूर से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना बांधनीय समझती है;

अतः, प्रब्र, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (प) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन श्रौद्धोगिक अधिकरण संख्या 2 मुम्बई की न्याय निर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या प्रीमियर इंश्योरेंस कम्पनी लिमिटेड, मैसूर-2 के प्रबन्धतन्त्र की श्रीमती कें. आर. राधा को सेवाओं को 19 मई, 1969 से समाप्त करने की कार्यवाही न्यायोचित थी? यदि नहीं तो वह किस अनुतोष की हकदार है।

[सं. फा. 40(25)/70-एल. आर. I]

New Delhi, the 17th September 1970

S.O. 3288.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Baroda and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Chandrasekhara Reddy shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

‘Whether the action of the Management of Bank of Baroda, Secunderabad branch in terminating the services of Shri Y. Seetharamiah, Clerk with effect from the 7th November, 1969 was justified? If not, to what relief is he entitled?’

[No. 23/41/70/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 17 सितम्बर, 1970

एस० श० 3288. —यतः केन्द्रीय सरकार की राय है कि इससे उपाधिवध अनुसूची में विनिर्दिष्ट विषयों के बारे में बैंक अफ बड़ीदा से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ग्रौथोगिक विवाद विद्यमान है;

ग्रौथोगिक विवाद को न्यायानिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

ग्रौथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के अपेक्षा (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्टद्वारा एक ग्रौथोगिक अधिकरण गठित करती है और जिसके पीठासीन अधिकारी श्री टी० चन्द्रशेखर रैडी होंग जिनका मुख्यान्वय है दरवाजा द्वारा और उक्त विवाद को उक्त अधिकरण को न्याय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या बैंक अफ बड़ीदा, मिकन्दरावाद शाखा के प्रबन्धतंत्र की श्री वाई० सीतारमया, लिपिक की तेव्रार्थों को 7 नवम्बर, 1969 से समाप्त करने की कार्यवाही न्यायोचित थी? यदि नहीं तो वह किस अनुत्तरों का दृक्कार है?”

[सं० 23/41/70-एल आर III]

एस० एस० राहस्यनामन, आर सचिव।

(Department of Labour and Employment)

New Delhi, the 25th September 1970

S.O. 3289.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the management of Messrs Orissa Construction Corporation Limited, Bhubaneswar and their workmen, which was received by the Central Government on the 17th September, 1970.

ADDITIONAL INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Shri U. N. Mishra, B.L., Presiding Officer, Additional Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 2 OF 1970

Dated Bhubaneswar the 9th September, 1970

BETWEEN:

The Management of Orissa Construction Corporation Limited, Bhubaneswar—1st Party.

AND

Shri S. Dharma Raju—2nd Party.

APPEARANCES:

Shri Yudhisthir Mohapatra, Office Superintendent, Orissa Construction Corporation—On behalf of the 1st Party.

Sri S. B. Nanda, Advocate—On behalf of the 2nd Party.

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in their Order No. 36/29/69-LR, IV dated the 18th February, 1970 referred the following points to this Tribunal for adjudication:—

“Whether the management of Orissa Construction Corporation Limited was justified in retrenching Shri S. Dharmaraju from their Beheraguda Stone Quarry, without giving him benefits of retrenchment compensation and leave salary? If not, to what relief is he entitled?”

2. After receipt of notices from the Tribunal, both parties filed their written statements.

3. The management in its written statement has stated that Sri Dharmaraju was not retrenched and his appointment letter would show that his services were terminable on one month's notice or payment of one month's salary in lieu of such notice. He was simply discharged from service in accordance with the order of appointment. As there was no retrenchment, the question of giving him retrenchment benefit by way of compensation does not arise.

4. The case of the worker was that he was appointed as a Mines Foreman on 3rd August, 1964 and was posted at Haridaspur Stone Quarry. He was transferred therefrom on 28th August, 1967 to Beheraguda in the District of Koraput. He was again transferred from there to Head Office on 5th August, 1968. His services were terminated with effect from 12th August, 1968. It is also alleged that the action of the management was in fact one of 'retrenchment' which was both illegal and unjustified as it has violated the mandatory provisions of law. It is also alleged that the statutory leave admissible to him on the eve of the termination of his services was not granted to him. Therefore, the worker prays for reinstatement with full leave salary and back wages.

5. The case of the management was that there was no retrenchment and the termination was effected in conformity with the contract of employment. It is also alleged that there was no retrenchment and therefore the question of giving him retrenchment benefit is redundant. It is alleged that he was governed by Orissa Leave Rules and he is not entitled to unavailed leave salary.

6. It is now to be seen if the termination of service amounted to retrenchment. The specific question referred to the Tribunal is:—“Whether the management of Orissa Construction Corporation Limited was justified in retrenching Sri S. Dharmaraju from their Beheraguda Stone Quarry, without giving him benefits of retrenchment compensation and leave salary? If not, to what relief is he entitled?” Therefore, the Tribunal cannot go beyond the scope of reference by challenging the very basis of it. It is admitted by M.W. 1 that the management wrote a letter to the Planning and Co-ordination Department of the Government to enlist the name of Shri S. Dharmaraju in the retrenched candidates list. It is further admitted by M.W. 1 that after the quarry was closed all the members of the staff were retrenched and as Sri Dharmaraju was regular employee of the Company, he was transferred to Head Office. It is further admitted by M.W. 1 that the name of the worker was recommended to the Government for re-employment along with the names of the retrenched candidates. Therefore, it is clear that his services were retrenched. The provisions of Section 25(f) and 25(g) of Industrial Disputes Act were not complied with. A month's notice indicating reasons of retrenchment was not given and it is not shown by the management that he was given such notice. Compensation at the rate of 15 days' for each completed year of service were also not given. Rule 77 casts a duty on the management to maintain a seniority list of workers to be published in the Notice Board atleast 7 days before such action. No document was shown that it was so published before retrenching the services of the worker. Therefore, the action of the management cannot be justified. It is now proved that the worker was appointed in 1964 and the Orissa Leave Rules came into effect on 1st August, 1966. It is not shown even that the said Orissa Leave Rules applied to the worker which came into effect from 1st August, 1968. It is not disputed that the worker had 60 days' leave at his credit at the time of retrenching his services. He applied also for leave but it was not sanctioned. The management stated that the leave was not granted as he did not apply for leave before his services were terminated. The termination notice was given on 12th August, 1968 and the worker received it on 18th October, 1968. It is not shown that the worker received the order on 12th August, 1968. So the termination could not take effect on 12th August, 1968. It was contended on behalf of the management that since the worker was governed by the Bihar and Orissa Service Rules, the action of the management is proper. The said rules

were not shown. It was further contended on behalf of the management that since the worker requested the management to recommend the name of the worker to the Government to enlist his name as a retrenched candidate his application was forwarded. No evidence whatsoever to that effect was given. It is, therefore, clear that the services of the worker were retrenched and he was not even given any retrenchment benefit though he had 60 days' leave to his credit. He was not given any wages also for this period. The retrenchment thus being unjustified, the relief is reinstatement. The worker however, states that he is working since 19th March, 1969. So he is to be deemed continuing in service from 12th August, 1968 to 19th March, 1969 and he is entitled to his pay till that date and he should get his leave wages for 60 days. An award be passed accordingly. Under the circumstances, both parties are directed to bear their own costs.

(Sd.) U. N. MISRA,
Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

Dictated and corrected by me.
Presiding Officer,

(Sd.) U. N. MISRA,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

[No. 36(29)/69-LR-IV.]

New Delhi, the 26th September 1970

S.O. 3290.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bhanora Colliery of Messrs. Equitable Coal Company Limited, Post Office Charanpur, District Burdwan and their workmen, which was received by the Central Government on the 22nd September, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
REFERENCE NO. 24 OF 1970

PARTIES :

Employers in relation to the management of Bhanora Colliery of Messrs. Equitable Coal Company Limited.

AND

Their workmen.

PRESENT :

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri Mohit Kumar Mukherjee, Advocate.

On behalf of Workmen—Sri Satyen Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/21/70-LRII, dated June 29, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Bhanora Colliery of Messrs. Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Keeping in view the size of various tubs used in the pit at Bhanora Colliery of Messrs. Equitable Coal Company Limited, Post Office Charanpur, District Burdwan, whether the demand of the surface piece-rated trammers represented by the Colliery Mazdoor Congress (HMS), Asansol for increase in the existing basic tub rate paid to them is justified? If so, what should be the basic tub rate and from what date?”

2. The workmen were represented before this Tribunal by Colliery Mazdoor Congress (HMS). They filed a written statement. The grievance made by the workmen was that the Central Wage Board for Coal Mining Industry placed all surface piece-rated trammers in Group IV of the classification (at page 70, Volume I of the Report), and recommended for the group Rs. 6 basic wage and also Rs. 6 as fall back wage (minimum guaranteed wage). The management of the Bhanora Colliery accepted the recommendations and implemented the same with effect from August 15, 1967. Nevertheless, it was pleaded:

"However, while implementing the said Wage Board Recommendation the Management wrongly interpreted the provisions thereof and as such failing and/or refusing to properly implement the said Wage Board award particularly with regard to the wage-rates of the piece-rated trammers and are actually reducing the wage-rates by introducing in ever increasing number tubs of substantially bigger size."

In paragraphs 6 and 7 of the written statement, filed by the workmen, it was further pleaded:

- 6. That the Wage Board assumed the tubs size as 36 Cft. and the Recommendation of the piece-rate for the trammers are based on such assumption.
- 7. That the Management of Bhanora Colliery, however, are introducing in ever increasing numbers tubs of 40 $\frac{1}{2}$ Cft. size and as such increasing the work load of the workmen substantially which comes roughly to 11 per cent than tubs of 36 Cft. size, which were prevalent previously."

Because the employers increased the size of the tubs but did not correspondingly increase the wage rate of piece-rated trammers, the workmen felt that they were being compelled to put in more physical labour and that their labour was being unfairly exploited without payment of adequate wages.

3. In the written statement filed on behalf of the employers, it was admitted that in accordance with the recommendations of the Wage Board, the management increased the basic rate of trammers per tub, from annas 5 (31 paise) to 54 paise, so as to enable the piece-rated trammers to earn 30 to 40 per cent over their pre-Wage Board earnings. In paragraphs 5 and 6 of the written statement filed by the employers it was pleaded:

- 5. That the slight increase in the capacity of the tubs has no bearing with its trammimg in as much as during the period from 6th August, 1968 to 30th September, 1968 the total number of tubs trammed is 39102 in 3276 man-shifts as against 46210 number of tubs trammed in even number of man-shifts during the period from 15th June, 1967 to 14th August, 1967.
- 6. It is submitted that in calculating the basic rates for piece-rated trammers the capacity of the tubs was not a factor taken into consideration either by the earlier Tribunals or by the Wage Board for the Coal Mining Industry and consequently the grievance of the workmen on this score is without substance."

4. In the back-ground of the above quoted pleadings, I have to decide the dispute raised before me for adjudication. The workmen did not file any documents. The management caused to be exhibited paysheets for weeks ending March 4, 1967, January 13, 1968 and January 4, 1969 (Ex. 1, 2 and 3). It is not disputed that the workmen were paid the amounts as shown in the sheets.

5. Now, a trammer is, according to the job description given in Appendix V, Volume II of the Report of the Wage Board, "...a workman, who with or without the assistance of other trammer, pushes or controls the travel of full and empty tubs". I have already stated that the piece-rated trammers were placed by the Wage Board in Group IV and a basic wage of Rs. 6 was recommended for them, the same being the amount of fall-back wage also. In Chapter VIII, paragraphs 49 and 50, page 73, Volume I, of the Report the Board observed:

"49. As there is no fixed work-load for piece-rated trammers their rates vary not only from colliery to colliery but also from section to section depending mainly upon distance gradient and turn-over of tubs. As we have given a 23 per cent increase to the miners and loaders we would provide the same rate of increase in their basic consolidated rate, inclusive of attendance bonus which should be worked out as follows:—

For a period of two months before the date on which our recommendations come into effect the total earnings of a gang of piece-rated trammers

in a particular section shall be divided by the total number of tubs trammed in that period and this would be the new consolidated basic rate. The total earnings referred to above shall include Basic Wage plus Dearness Allowance plus Variable Dearness Allowance plus the two interim wage increases recommended by this Board and the attendance bonus. This basic consolidated rate thus arrived at will be increased by 23 per cent. To illustrate, if the rate for tramping is 12 paise per tub and on an average each trammer in the gang has pushed 10 tubs per shift, his earnings will be calculated as follows:—

	Rs.
Basic Wage for 10 tubs at 12 paise per tub	1.20
Dearness Allowance	1.58
Variable Dearness Allowance (7 slabs of 19 paise each)	1.83
Two Interim Wage Increases	0.56
Attendance Bonus	0.40
	<hr/>
	5.07

Therefore the consolidated tub rate on this basis will be Re. 0.51 per tub (calculated to the nearest integer).

50. Under our recommendation this consolidated tub-rate of 51 paise per tub shall be increased by 23 per cent i.e. by 12 paise to the nearest integer. Thus, the new consolidated rate inclusive of Bonus @ 10 per cent will be Re. 0.63 paise per tub. In other words the new basic rate per tub exclusive of bonus would be 0.57 paise per tub. However, if under the terms of this recommendation his total basic wage per day works out to less than Rs. 6.00 per day which we are recommending for the group (Group IV) the rate per tub should be further increased to enable him to earn this basic wage.”

There is no dispute that the recommendations of the Wage Board were accepted by the Bhanora colliery and in paragraph 3 of the written statement filed by the management there is a sort of admission that the increase of tub rate for piece-rated trammers was made in accordance with the recommendations of the Wage Board. That is also the evidence of Santosh Kumar Bandopadhyaya, the sole witness for the management. That position was not disputed by the workmen.

6. Mr. Satyen Banerjee, learned Advocate for the workmen, contended that the Wage Board must have proceeded on the basis of the prevailing tub size at the time when they were required to make the recommendations, that is to say 36 Cubic feet. This is also what was pleaded in para 6 of the written statement. If the management thereafter cared to increase the tub size, he argued, they must not go on paying to the workmen at the rate recommended by the Wage Board for smaller tubs but must increase the wages further. He urged that a larger tub carried more coal and required greater labour to push. The management must not expect, he submitted, to make the workmen labour more and not compensate them for the additional labour. Mr. Mohit Mukherjee, learned Advocate, for the management, submitted that in making the recommendations the Wage Board did not proceed on the assumption of any tub size, be it larger or smaller. Therefore, if the management increased the size of the tubs, as the workmen alleged, that was no violation of the conditions under which increments in wages were granted pursuant to the recommendations of the Wage Board. He also contended that in pushing a tub of 40 $\frac{1}{2}$ Cft. size, it was not necessary to put in very much greater force than that was necessary in pushing a tub of 36 Cft. size. He lastly made a faint attempt to establish that 40 $\frac{1}{2}$ Cft. size tubs were not a new innovation after August 1967 but they were in existence even prior to that time.

7. The two witnesses examined on behalf of the workmen gave somewhat scrappy evidence. The first witness Sarju Ram is a trammer himself. He described the duty of a trammer in the following manner:

“It is duty of a trammer to put loaded tubs on the line, push them and to unload them. If a tub becomes derailed from the line, it is his duty to put the tub on the line again.”

He described the introduction of bigger tubs in the following language:

"When I first became a trammer, in the year 1963, the size of the tub was 36 Cubic feet. Now there are over-sized tubs of 40 $\frac{1}{2}$ Cubic feet.... There are about 40 tubs of the size of 36 Cubic feet. The rest are all of 40 $\frac{1}{2}$ Cubic feet size. The bigger tubs were put into operation in the month of August 1967. At that time there were about 8 to 10 bigger tubs first put into operation."

Questioned by Tribunal about the particulars of the size of the tubs he said:

"Previously the size of tubs was 2 $\frac{1}{2}$ x 4 x 4. The present size of tubs is 3 x 4 $\frac{1}{2}$ x 4 $\frac{1}{2}$."

It is apparent that mathematically worked out both the figures give larger cubic measures than 36 Cft. and 40 $\frac{1}{2}$ Cft. Mr. Mukherjee for the management wanted to build an argument on this inaccuracy that the workman was not a witness of truth. I am not prepared to go as far as that. I am, however, prepared to hold that the workmen should not have ventured to give the break up of the cubic measure of the tubs. He is basically an uneducated workman. He must have seen the bigger tubs with his own eyes and might have heard about the cubic measure from some one. The single lapse does not make his entire evidence discreditable and I do not encourage Mr. Mukherjee in his criticism. This witness further stated:

"The loaders are paid Rs. 3/- per tub for loading 36 Cft. tubs and Rs. 3.37 per tub for loading 40 $\frac{1}{2}$ Cft. tubs. Piece-rated pick miners are paid Rs. 6/- and Rs. 6.74 paise per 36 and 40 $\frac{1}{2}$ Cft. tubs respectively. It requires greater labour to push 40 $\frac{1}{2}$ Cft. tubs and they fall off the line more frequently."

The second witness examined on behalf of the workmen was Singara Singh, a Supervisor. He said in his examination-in-chief:

"Loaders get Rs. 3/- for loading 36 Cft. tubs and Rs. 3.37 for loading tubs of 40 $\frac{1}{2}$ Cft. size. Pick miners get Rs. 6/- and Rs. 6.74 for loading 36 Cft. and 40 $\frac{1}{2}$ Cft. tubs respectively. The trammers however get the same rate for pushing both smaller and bigger sizes tubs. The 40 $\frac{1}{2}$ Cft. tubs began to be introduced since August 15, 1967. Prior to that there were 2 or 4 such oversized tubs."

In answer to a question put by the Tribunal, he said:

"The 40 $\frac{1}{2}$ Cft. tubs measure 3 x 3 x 4 $\frac{1}{2}$ (height) feet. The 36 Cft. tubs measure 4 (length) x 3 (width) x 3 (height)."

He is arithmetically correct in his break up.

8. The sole witness examined by the management, namely, Santosh Kumar Bandopadhyaya, is a mere Time keeper. In his examination-in-chief he stated:

"There are two types of tubs for trammers, namely 36 Cft. and 40 $\frac{1}{2}$ Cft. I have been noticing two types of tubs throughout 1967."

In cross-examination he admitted that the increase in the rates of trammer was made according to the recommendations of the Wage Board. He further stated:

"I do not know whether it requires greater labour to push a 40 $\frac{1}{2}$ Cft. tub than what is required to push a 36 Cft. tub. Trammers take out tubs from the cage, set them on the line and push them. They push the tubs at the destination and unload them."

9. All that I get from the evidence on behalf of the workmen is that the oversized tubs were put into gradually increasing operation after the recommendations of the Wage Board were implemented. The witness examined by the management no doubt says that he had seen oversized tubs throughout the year 1967. That there were some oversized tubs even prior to August 15, 1967 is not very much disputed. Singara Singh, a witness examined on behalf of the workmen, also said that prior to August 1967 there were 2 or 4 oversized tubs. I am, however, not concerned with the bare existence of oversized tubs in the colliery in very small numbers but with the gradual replacement of 36 Cft. tubs with 40 $\frac{1}{2}$ Cft. tubs. There the evidence is one sided and the evidence led on behalf of the management is not sufficient to demolish the evidence led on behalf of the workmen. On the other hand, paragraph 5 of the written statement of management admitting slight increase in the capacity of tubs goes very much in favour of the contention of the workmen. I, therefore, hold that 40 $\frac{1}{2}$ Cft. tubs began to replace 36 Cft. size tubs gradually since after August 14, 1967 and have now mostly replaced the smaller size tubs.

10. I now consider the argument of Mr. Mukherjee that the Wage Board did not proceed on the basis of any tub size in recommending piece-rates for the workmen; therefore, increase in the tubs size was not in violation of the recommendations. I am unable to uphold this argument. When the Wage Board made the recommendations the Board must have proceeded on things that used to exist at the time when the recommendations were made. It is not the case of the management that they were using tubs of smaller size than what were used in other collieries. Therefore, I proceed on the assumption that 36 Cft. were the standard sized tubs used at the time when the Wage Board made the recommendations. To increase the piece-rate and to increase the tub size at the same time is, in my opinion, not implementation of the recommendations of the Wage Board in true spirit. It is like forgetting the substance and emphasising on the form. The employers were required to implement the recommendations of the Wage Board keeping in tact the circumstances as they were at the time when the recommendations were made. If they change the circumstances to the disadvantage of the workmen, that was at their peril.

11. Mr. Mukherjee emphasised upon another aspect of the matter in course of his argument. He contended that the slight increase in tub size did not require greater labour on the part of the workmen to push the tubs. This is arm chair argument. It is well known that the surface of a coal mine is of uneven and undulating level. A line laid on such a surface has its gradient and ups and downs. A 40½ Cft. tub, fully loaded, is certainly heavier than a fully loaded 36 Cft. tub. To push a heavier tub on undulating level must require greater muscular force and must prove more exhausting to the labourer. There is no evidence before me that the lines are laid in such fashion that however heavy the tubs may be it requires the same amount of labour to push them on the line. I, therefore, over-rule this branch of argument of Mr. Mukherjee.

12. In the result, I hold that although there had been an increase in the piece-rate for trammers, according to the recommendations of the Wage Board, the employers have neutralised the increase by making their work more onerous. For what they have done they must compensate the workmen. I therefore answer the first part of the question referred to me in the following manner. In view of the larger size tubs used in the pit at Bhanora colliery of Messrs Equitable Coal Company Limited, the demand of the surface piece-rated trammers for increase in the existing tub rates paid to them is justified.

13. I have next to see what should be the basic tub rate and from what date. The increase has not been much. 36 Cft. tubs have been raised to 40½ Cft. tubs. The trammers are not loading, they are merely pushing tubs. I am not prepared to hold that the addition need be calculated on the basis of per kilogram increase in weight as is done in the case of Railway freight or Air freight. The increase in rates given to loaders and pick-miners for loading the larger size tubs should not be taken into account for granting increase to trammers because loaders and pick-miners have to cut or to load larger size tubs which require more labour than that is put in by trammers or mere pushers of coal tubs. I, therefore, award that over and above the basic rate payable for 36 Cft. tubs, the trammers who would push 40½ Cft. tubs shall be entitled to 6 (six) paise more in the basic wage. On that basis the dearness allowance, the variable dearness allowance, etc. shall also be varied for them. The last question that remains for my consideration is since when such payment should be made. I find that the larger size tubs were not all introduced all on a sudden or a time, they were gradually introduced. I, therefore, direct that the new wages shall be payable from the date when this dispute was taken up before the Assistant Labour Commissioner (Central) that is to say with effect from February 6, 1970.

This is my award.

(Sd.) B. N. BANERJEE.

Dated, September 14, 1970.

Presiding Officer.

[No. 6/21/70-LRII.]

S.O. 3291.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Real Kajora Colliery, Post Office Kajoragram, District Burdwan and their workmen, which was received by the Central Government on the 22nd September, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 35 OF 1970

PARTIES:

Employers in relation to the management of Real Kajora Colliery,
AND
Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri K. P. Mukherjee, Counsel.
On behalf of Workmen—Sri B. Malkhandey, Counsel.

STATE: West Bengal:

INDUSTRY: Coal Mines:

AWARD

By Order No. 1/37/70-LRII-i, dated July 30, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following dispute between the employers in relation to the management of Real Kajora Colliery and their workmen, to this Tribunal, for adjudication, namely:

“Whether the management of Real Kajora Colliery, Post Office Kajoragram, District Burdwan is justified in not providing work to its workers from the 25th May, 1970. If not, to what relief the workers are entitled?”

2. This reference is being taken up out of turn on the joint prayer of both the parties. Although great difficulties were being experienced in serving the notice upon the management, the difficulties have now disappeared because the management has of its own appeared. It is not necessary for me to get into the dispute because the parties have settled the dispute outside this Tribunal and in token thereof have filed a petition of settlement. Now, that the parties have adjusted their own differences, I pass an award in terms of the settlement. Let the petition of settlement form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, September 17, 1970.

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CALCUTTA.

IN THE MATTER OF REFERENCE No. 35 OF 1970

BETWEEN

The employers in relation to Real Kajora Colliery, P.O. Kajoragram, District Burdwan.

AND

Their workmen represented by the Colliery Mazdoor Sabha (CITU), P.O. Raniganj, District Burdwan.

Both parties most respectfully submit as under:—

1. The Colliery Mazdoor Sabha (CITU), P.O. Raniganj, District Burdwan had raised an industrial dispute between the management of Real Kajora Colliery and their workmen over the alleged illegal lock-out at Real Kajora Colliery by the management with effect from 25th May 1970 and had referred the same to the Assistant Labour Commissioner (C), Raniganj for taking necessary action under its Secretary's letter No. Nil dated 25th May 1970. The Assistant Labour Commissioner (C), Raniganj held conciliation proceedings in respect of the dispute referred to above which ended in failure on 24th June 1970 and the Assistant Labour Commissioner (C), Raniganj submitted his report on failure of conciliation to the Central Government under his letter No. COR-16(206)/70 dated 25th June 1970. After considering failure of conciliation report referred to above the Central Government referred the instant industrial dispute to the Central Government Industrial Tribunal, Calcutta for adjudication with the terms of reference indicated below under

Ministry's order No. 1/37/70-LRII(i) dated 30th July 1970, published in the Gazette of India, Part II, Section 3(ii) dated 8th August, 1970, vide S.O. No. 2662:—

"Whether the management of Real Kajora Colliery, Post Office Kajoragram, District Burdwan is justified in not providing work to its workers from the 25th May, 1970. If not, to what relief the workers are entitled?"

2. Subsequently both parties held mutual discussions on different dates and finally the instant industrial dispute was amicably settled between them at Asansol on 15th September 1970, on the following terms:—

Terms of Settlement

(a) (i). The management of Real Kajora Colliery (hereinafter referred to as the management), P.O. Kajoragram, District Burdwan agrees to initiate action for restoration of electric connection on 16th September 1970. The management shall take effective action for securing electric connection at the colliery as early as possible but in any case not later than 28th September, 1970.

(a)(ii). The management shall start operations to dewater the mine on restoration of electric connection as early as possible but in any case not later than 28th September, 1970.

(a)(iii). The management shall take effective action for de-watering the mine and to start the mining operations as early as possible. Immediately after one week from the date on which the electric connection will be restored the representatives of the management and the Colliery Mazdoor Sabha (CITU) (hereinafter referred to as the union), P.O. Raniganj, District Burdwan shall jointly inspect the mine with a view to assessing the date from which to start the actual raising of coal. Both parties shall co-operate with each other with a view to expediting the resumption of normal work at the colliery.

(b)(i). The management shall lift the lock-out at the colliery with effect from 16th September, 1970 but the workmen who were on the rolls of the colliery during the week ending 23rd May, 1970 including the workmen whose names are enlisted in Annexure-I shall be provided work at the colliery in phases depending on the availability of work.

(b)(ii). Employment will be provided to workmen of different categories for whom work will be available gradually strictly on the basis of seniority of the workmen of different categories. The seniority of the workmen of different categories shall be determined on the basis of 'B' form register for the year 1970.

(b)(iii). At least ten days in advance of the date on which the management shall propose to provide employment to the workmen written notice to that effect shall be sent by the management to the workmen concerned under registered post with acknowledgement due at their permanent addresses recorded in form 'B' register for the year 1970 and a copy each of the relevant notices shall be endorsed to the General Secretary of the union under registered post with acknowledgement due or through peon book.

(b)(iv). Such of the workmen as will fail to report for duty by the stipulated date mentioned in the notice referred to above, union undertakes to relinquish their right of re-employment at the colliery.

(c) It is agreed that the workmen shall not be entitled to any wages or allowance during the period from 23rd May 1970 to the date of their actual resumption of work. The period of unemployment of the workmen concerned from 23rd May 1970, to the date of their actual resumption of duties shall not affect their continuity of service in other words all the workmen shall have the benefit of continuity of their service. However, all workmen who were on rolls of the colliery during the week ending 23rd May 1970 including those whose names are enlisted in Annexure-I shall be paid an ex-gratia amount of Rs. 10 (Rupees ten) per head latest by 30th September, 1970.

(d) It is agreed that all outstanding wages and also bonus payable under the Coal Mines Bonus Scheme, 1948 shall be paid to the workmen concerned as early as possible but in any case not later than 31st October, 1970.

(e)(i). It is agreed that the workmen shall adopt constitutional methods for redress of their grievances and maintain discipline at the colliery.

(e)(ii). The management agrees to take effective action for the redressal of the grievances of the workmen and shall not take unilateral action.

(e)(iii). In the event of differences between the parties, both parties shall refer the matter to the Central Industrial Relations Machinery for proper, effective and speedy disposal.

(f)(i). It is agreed that the management shall withdraw all charge sheets issued to the workman concerned for acts of omission and commission during the period from 23rd May, 1970 to date excepting the charge sheets issued to Shri Harbans Singh, Electrician, Shri Robilochan Banerjee, Despatch Clerk and Shri Bhagwat Mahato, Winding Engine Khalasi.

(f) (ii). It is agreed that Shri Harbans Singh, Electrician, Shri Robilochan Despatch Clerk and Shri Bhagwat Mahato, Winding Engine Khalasi shall submit a letter to the Manager of the Colliery expressing regret for the acts of omissions for which they had been charge sheeted and on receipt of the same the management shall exonerate them with a letter of warning to each of them. These three workmen shall be provided employment and their cases will be dealt with like other workmen of the colliery in accordance with this settlement.

(g) It is agreed that till the final absorption of the workmen, the management shall not make any fresh recruitment and the question of retrenchment of workmen, if any, shall be mutually discussed between the parties at a later date.

3. Both parties submit that the Hon'ble Industrial Tribunal may be pleased to accept the terms of this settlement and give his award in terms of this settlement.

For workmen.

1. (Sd.) ROBIN CHATTERJEE,
General Secretary.
Colliery Mazdoor.
Sabha (CITU), Raniganj.
15-9-70.

2. (Sd.) PARIMAL GUHA,
Secretary, Colliery
Mazdoor Sabha (CITU),
Raniganj.

For employers.
(Sd.) D. S. SULTANIA,
Constituted Attorney, Real
Kajora Colliery.
15-9-70.
(Sd.) G. C. KHANNA,
Agent, Real Kajora,
Colliery.

Witnesses.

1. (Sd.) Illegible.
2. (Sd.) Illegible.

Dated, the 15th September, 1970.

ANNEXURE I

<i>Names of the workmen.</i>	<i>Designation.</i>
1. Shri Shadhu Harijan	Pick miner.
2. Shri Bickram Harijan	Loader.
3. Shri Ramdas Harijan	Dresser.
4. Shri Amir Bhuia	Dresser.
5. Shri Nanku Bhuia	Pick Miner.
6. Shri Janki Bhuia	Pick Miner.
7. Shri Jadan Bhuia	Pick Miner.
8. Shri Bahadur Bhuia	Pick Miner.
9. Shri Amu Bhuia	Pick Miner.
10. Shri Sahadev Bhuia	Pick Miner.
11. Shri Bara Bhuneswar Bhuia	Pick Miner.
12. Shri Sita Bhuia	Pick Miner.
13. Shri Ram Khelan Harijan	Pick Miner.
14. Shri Chatkun Harijan	Pick Miner.
15. Shri Ramhith Harijan	Dresser.
16. Shri Kali Bhuia	Dresser.
17. Shri Sibu Dusad	Dresser.
18. Shri No. 2 Ram Surat Harijan	Loader.
19. Shri Bhagwati Shaw	Loader.
20. Shri Cholto Harijan	Loader.
21. Shri Bhuli Mia	Loader.

New Delhi, the 28th September 1970

S.O. 3292.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Bhubaneshwar, in the Industrial dispute between the employers in relation to the management of Messrs Orissa Cement Limited, Rajganpur and their workmen, which was received by the Central Government on the 17th September, 1970.

ADDITIONAL INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESHWAR

Shri U. N. Mishra, B.L., Presiding Officer, Additional Industrial Tribunal, Orissa, Bhubaneshwar.

INDUSTRIAL DISPUTE CASE NO. 4 OF 1970

Dated Bhubaneshwar, the 10th September 1970

BETWEEN

The management of Messrs Orissa Cement Limited, Rajganpur—*First Party.*

AND

Their workman—*Second Party.*

APPEARANCES:

On behalf of the 1st party.—Shri Govind Das, Advocate.

For the 2nd Party.—None.

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in their order No. 12(4)/70-LRIV dated 10th April, 1970 referred the following point to the Tribunal for adjudication.

“Whether the action of the management of Lanjiberna Lime-Stone Quarry of Messrs Orissa Cement Limited in terminating the services of Shri Nandan Jha, Survey Mazdur with effect from the 22nd August, 1968 was justified? If not, to what relief is the workman entitled?”

Due notice was given to both parties by the Tribunal to file their written statements. The management filed its written statement but the Union failed to file its written statement in this case. Hearing date was fixed. The Union remained absent and has not taken any steps to contest the case. So the case was taken *ex parte*.

3. To prove its case, the management examined one witness who deposed that Shri Nandan Jha, delinquent, in this case, remained absent from 22nd August, 1968 onwards from duty. He did not take any leave or permission from the management. Shri Nandan Jha was a casual worker under the Company. The system in this particular concern is that a casual worker should report for duty at the beginning of the shift. M.W. 1 also deposed that the casual workers are employed in the Company according to its daily requirements and there is no relationship of Master and Servant between the casual worker and the employer.

4. Shri Nandan Jha did not attend for duty since 22nd August, 1968 nor he had taken any steps to intimate the reasons to the management for remaining absent from 22nd August, 1968. M.W. 1 in his deposition clearly and categorically stated that there was no necessity to issue any termination order to a casual worker. So the management did not issue any order of termination to the worker. Hence the award be passed that the action of the management of Lanjiberna Lime-Stone Quarry of Messrs Orissa Cement Limited in terminating the services of Shri Nandan

Jha, Survey Mazdur with effect from the 22nd August, 1968 is justified. No order for the costs.

(Sd.) U. N. MISRA,
Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

Dictated & corrected by me.

(Sd.) U. N. MISRA,
Presiding Officer,
Additional Industrial Tribunal,
Orissa, Bhubaneswar.

[No 12(4)/70-LR-IV.]

ORDERS

New Delhi, the 7th September 1970

S.O. 3293.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bastacolla Colliery of Messrs Bastacolla Colliery Company (Private) Limited, Post Office Dhansar, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Bastacolla Colliery of Messrs Bastacolla Colliery Company (Private) Limited, Post Office Dhansar, District Dhanbad, in dismissing Smt Prayag Dusad, underground Trammer with effect from the 17th October, 1969 was justified? If not, to what relief is the workman entitled?"

[No. 2/88/70-LRII.]

प्रारंभ

भई विल्ली, 7 सितम्बर, 1970

का० अ० 3293.—यह: केन्द्रीय सरकार व्या० राय है कि इससे उपरान्त अनुसूची में विनियोगित विषयों के बारे में मेरसं बस्ताकोला कोलियरी कम्पनी (प्रा०केट) लिमिटेड द्वारा क्षमता विभाग, जिला धनबाद की बस्ताकोला कोलियरी स्थान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के एक ग्रौदोगिक विवाद विद्यमान है

ओर यह: केन्द्रीय सरकार उक्त विवाद की न्याय नियन्त्रण के लिए निर्देशित करना वांछनीय बीच समझती है;

यहतः श्रवे, ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा '1 (1) के लिए (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एकदम्भारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के प्रधीन गटित केन्द्रीय सरकार ग्रौदोगिक अधिकरण (सं० 3) अनुबाद को न्याय नियन्त्रण के लिए निर्देशित करती है।

अनुसूची

“क्या मेसर्स बस्टाकोला कोलियरी कम्पनी (प्राइवेट) लिमिटेड डाकघर धनबाद, जिला धनबाद की बस्टाकोला कोलियला खान के प्रबन्धतन्त्र की श्री प्रयाग दुसद, भूमिगत द्वैमर को 17 अक्टूबर, 1969 से पद्धति करने की कार्यवाही न्यायोचित थी? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है?”

[सं. 2/88/70-एल० आर० II]

S.O. 3294.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Bulliari Kendwadih Colliery of Messrs East Indian Coal Company Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act

SCHEDULE

“Whether the action of the management of South Bulliari Kendwadih Colliery of Messrs East Indian Coal Company Limited, Post Office Kusunda, District Dhanbad in placing Shri Sarjoo Vishwakarma, Welder in Category-V of the Wage Board's recommendations for Coal Mining Industry with effect from the 30th August, 1968 is justified? If not, to what relief is the workman concerned entitled?”

[No. 2/38/70-LRII.]

का० आ० 3294.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद अनुसूची में विनियिष्ट विषयों के बारे में मेसर्स ईस्ट इण्डियन कोल कम्पनी लिमिटेड, डाकघर धनबाद, जिला धनबाद को साउथ बुलियारो केन्डवाडिह कोलियला खान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों द्वारा उनके कर्मकारों के बीच एक श्रोतोगिक विवाद विद्यमान है;

प्रोत्ययतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वैशित करना बांधनीय समझती है;

अतः, अब, श्रोतोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10 की उपधारा (1) के लगड़ (ष) धारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित केन्द्रीय सरकार श्रोतोगिक अधिकरण (सं 3) धनबाद को न्याय निर्णयन के लिए निर्वैशित करती है।

अनुसूची

“क्या मेसर्स ईस्ट इण्डियन कोल कम्पनी लिमिटेड, डाकघर धनबाद, जिला धनबाद को साउथ बुलियारो केन्डवाडिह कोलियला खान के प्रबन्धतन्त्र को श्री सरजू विश्वकर्मा वेल्डर को 30 अगस्त, 1968 से मजदूरी बोर्ड को कोलियला खनन उद्योग के लिए की गई सिफारिशों के प्रबार्ग 5 में रखने की कार्यवाही न्यायोचित है? यदि नहीं तो सम्बन्धित कर्मकार किस अनुतोष का हकदार है?

[सं. 2/38/70-एल० आर० II]

New Delhi, the 8th September 1970

S.O. 3295.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kujama Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Kujama Colliery, Post Office Jharia, District Dhanbad, in stopping Shri Dwarika Ram, Hazree Mazdoor from work with effect from the 23rd February, 1970 is justified? If not, to what relief is the workman entitled?”

[No. 2/93/70-LRII.]

नई दिल्ली, 8 सितम्बर, 1970

का० आ० 3295.—प्रा० केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनियोगित विवरों के बारे में कुजामा कोलियरी, डाकघर शरिया जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ग्रीष्मोगिक विवाद विद्यमान है ;

ग्रीष्म यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

प्रा०, अब, ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उधारा (1) के खण्ड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ए. तदूदारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अंतर्गत गठित केन्द्रीय सरकार ग्रीष्मोगिक प्रधिकरण (पं० 3) धनबाद को न्यायनिर्णयन के लिए निर्देश करती है।

अनुसूची

“क्या कुजामा कोलियरी, डाकघर शरिया, जिला धनबाद के प्रबन्धतन्त्र को श्री द्वारिकाराम, हाजरी मजदूर को 23 फरवरी, 1970 से काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?”

[सं० 2/93/70-एल आर II]

S.O. 3296.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhadra Colliery of Messrs Rewa Mining Company Limited, Post Office Kotma, District Shahdol (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Messrs Rewa Mining Company Limited, Bhadra Colliery, Post Office Kotma, District Shahdol (Madhya Pradesh) is justified in not introducing the wage structure and other

benefits in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their resolution No. WB. 16(5)/66, dated the 21st July, 1967 in respect of Variable Dearness Allowance and grant of annual increments on the 15th August, 1968 and the 15th August, 1969? If not, to what relief are the workmen entitled and from what date?"

[No. 1/28/70-LRII.]

का० घा० 3296.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनियोगिक विषयों के बारे में मेसर्स रेवा माइनिंग कम्पनी लिमिटेड, डाकघर कोटमा, जिला धनहड्डोल (मध्य प्रदेश) की भावरा कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीयोगिक विवाद विद्यमान है।

श्रीर यतः केन्द्रीय सरकार उक्त विवाद की व्यायनिर्णयन के लिए निर्देशित करना वांछनीय समस्ती है।

यतः, अब, श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपचारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के प्रधीन गठित केन्द्रीय सरकार श्रीयोगिक अधिकरण, अवलपुर को व्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या मैसर्स रेवा माइनिंग कम्पनी लिमिटेड, भावरा कोयला खान, डाकघर कोटमा, जिला धनहड्डोल (मध्यप्रदेश) के प्रबन्धतंत्र का बी० डी० ए० और 15 अगस्त, 1968 और 15 अगस्त, 1969 को वार्षिक बेतन वृद्धि के बारे में भारत सरकारद्वारा अपने संकल्प सं० डब्ल्यूबी० 16(5) 66, तारीख 21 जुलाई, 1967 में यथा प्रतिगृहीत केन्द्रीय मजदूरी बोर्ड की कोयला खनन उद्योग के लिए की गई सिकारियों के अनुसार मजदूरी संरचना और अन्य फायदों को प्रबलित न करना व्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं और किस तारीख से?"

[सं० 1/28/70-एल० आर० II]

S.O. 3297.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ena Colliery belonging to Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Ena Colliery belonging to Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad in refusing extension of leave with effect from the 5th December, 1969 and in terminating the lien on appointment of Shri Ish Mohammad, Peon and placing his name in Badli list with effect from the 17th December, 1969 was justified? If not, to what relief is the workman entitled?"

[No. 2/58/70-LRII.]

का० घा० 3297.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनियोगिक विषयों के बारे में मैसर्स नार्थ वेस्ट कोल कम्पनी लिमिटेड, डाकघर धनसर, जिला धनबाद की एना कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीयोगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछतीय समझती है ;

यतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3) धनवाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्षया मैसर्ट नार्थ बेस्ट कॉल कम्पनी, लिमिटेड, डाकघर धनसर, जिला धनबाद को एना कोपना जान के प्रबन्धनत्र को श्री इश मोहम्मद, चपरासी को 5 दिसम्बर, 1969 से छुट्टी बढ़ाने से इकार करते, तिरुक्ति पर उनके वार्ताधिकार को समाप्त करने और 17 दिसम्बर, 1969 से उसका नाम बदली सूक्ष्म में रखने को कार्यशाही न्यायोचित थी ? यदि नहीं, तो कर्मकार किस अनुतोष का हकशार है ?

[सं० 25/6/70-एल अर II]

New Delhi, the 9th September 1970

S.O 3298.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Borabas Stone Quarry, Shreepura, Kota and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, as Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

Whether the employees employed at Borabas Stone Quarry of Shri Madar-bux, Quarry Owner, Kota are entitled for the following paid National/ Festival holidays namely:—

1. 26th January—Republic Day.
2. 15th August—Independence Day.
3. 2nd October—Gandhiji's Birthday.
4. Holy.
5. 1st May—Labour Day.
6. Rakshabandhan.
7. Dussehra.
8. Diwali.
9. Id.

[No. 12(19)/70-LR-IV.]

नई दिल्ली, 9 सितम्बर, 1970

एस० श्री० 3298:—यतः केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनियिष्ट विषयों के बारे में बोराबास पर्यटक खदान श्रीपुरा, कोटा के प्रबन्धनत्र से सम्बद्ध नियोजनों और उनके कार्यकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछतीय समझती है ;

यतः, अब, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-के और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा एक श्रीद्योगिक अधिकरण, शठिं फरती है जिसके पीठासीन अधिकारी श्री गोपाल नारायण शर्मा होंगे, जिनका मुख्यालय जयपुर होगा और उक्त विवाद को उस श्रीद्योगिक अधिकरण को न्यायान्वयन के लिए निर्वेशित करती है ।

प्रत्यक्षी

“क्या श्री मदरबला, खदान स्वामी, कोटा की ओराबास पत्थर खदान में नियोजित कर्मचारी निम्नलिखित संदाय संहित राष्ट्रीय/पर्व अवकाशों के हकदार हैं, अर्थात् :—

1. 26 जनवरी	गणतन्त्र दिवस
2. 15 अगस्त	स्वतंत्रता दिवस
3. 2 अक्टूबर	गांधी जी का जन्म दिन
4. होली	श्रमिक दिवस
5. प्रथम भर्व	
6. रक्षाबंधन	
7. दशहरा	
8. दिवाली	
9. ईद	

[सं० 12(19)/70/एल० आर० IV]

S.O. 3299.—Whereas the employer in relation to the management of Oil and Natural Gas Commission, Navagam Project, Ahmedabad and their workmen represented by Oil and Natural Gas Commission Employees Mazdoor Sabha, Navagam, Ahmedabad have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference of an Industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitute an Industrial Tribunal, with Shri I. G. Thakore as Presiding Officer with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

“Whether the removal from services of Shri J. S. Khani, Store-Keeper Grade II, Oil and Natural Gas Commission, Navagam Project with effect from the 22nd January, 1970 (Afternoon) is illegal and unjustified? If so, to what relief is the workman entitled?”

[No. 7(1)/70-LR-IV.]

एस० ओ० 3299:—यतः तेस और प्राकृतिक गैस संशायीग, नवगाम प्रायोजना, अहमदाबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों, जिनका प्रतिनिधित्व आयल एण्ड नेचुरल गैस कमीशन एम्प्लायीज मजदूर समा, नवगाम, अहमदाबाद करती है, ने श्रीद्योगिक विवाद अधिनियम,

1947 (1947 का 14) की धारा 10 की उपधारा (2) के अवैन संयुक्त रूप से केन्द्रीय सरकार को अवैदन किया है कि वह उनके बीच विद्यमान श्रीद्योगिक विवाद को उक्त आवैदन में उपर्युक्त और इससे उपावद्ध अनुसूची में उद्वृत विषयों के बारे में किसी श्रीद्योगिक अधिकरण को निर्देशित करे;

श्रीर यतः केन्द्रीय सरकार का समाधान हो गया है कि आवैदन करने वाले अवैक्त प्रत्येक पक्षकार के बहुमत का प्रतिनिधित्व करते हैं;

प्रतः, श्रव, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा एक श्रीद्योगिक अधिकरण गठित करती है, जिसके रीठासीन प्रविकारी श्री आई० जी० ठाकुर होंगे, जिनका मुख्यालय अहमदाबाद होगा और उक्त विवाद को उक्त श्रीद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या श्री जे० एस० खानी, भंडारी श्रीणी 2, तेल और प्रकृतिक गैस श्रीयोग, नवगाम प्रयोजन को 22 जनवरी, 1970 (अपराह्न) से सेवा से हटाना अवैद्य और अनुचित है ? यदि हाँ तो कर्मकार किस अनुतोष का हुक्मदार है ।”

[सं० 7(1)/70-एल आरIV]

New Delhi, the 11th September 1970

S.O. 3300.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Nag's Ramjiwanpur Colliery of Messrs Ramjiwanpur Coal Company Private Limited, Post Office Sitarampur, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Nag's Ramjiwanpur Colliery of Messrs Ramjiwanpur Coal Company Private Limited, Post Office Sitarampur, District Burdwan was justified in terminating the service of Shri Dhani Mahato, Underground Trammer from the 15th January, 1970? If not, to what relief is the workman entitled?”

[No. 6/32/70-LR. II.]

नई दिल्ली, 11 सितम्बर, 1970

एस० ओ 3300:—प्रतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भेसर्स रामजीवनपुर कोल कम्पनी, प्राइवेट, लिमिटेड, डाकघर सीतारामपुर, जिला बर्देश्वान की नाम्स र० मजीवनपुर कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है ;

श्रीर यतः केन्द्रीय सरकार उक्त विवाद के न्यायनिर्णयन के लिए निर्देशित करना बांधनीय समझती है ;

अतः, अब, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7—के अधीन गठित केन्द्रीय सरकार श्रीद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या मैंसर्स रामजीबनपुर कोल कम्पनी, प्राइवेट, लिमिटेड, डाकघर सीतारामपुर, जिला बद्रबान की नामस रामजीबनपुर कोयला खान के प्रबन्धतंत्र का श्री धनी महतो, भूमिगत द्रौमप की सेवा को 15 जनवरी, 1970 से समाप्त कर देना न्यायोचित था ? यदि नहीं तो कर्मकार किस अनुत्तोष का हकदार है ?

[सं० 6/32/70 एल० आर० II)

New Delhi, the 16th September 1970

S.O. 3301.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Parshva Properties Limited, Pipradih, Shahabad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 2, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the retirement of the following workmen earlier than to their attaining the age of 60 years is proper and justified? If not, whether these workmen are entitled for re-instatement or any other relief?”

1. Somaru Rajwar—Carrier
2. Huseni Mian—Ghanwaha
3. Budhari Chaudhry—Mallah

[No. 12(23) 70-LR-IV.]

नई दिल्ली, सितम्बर 1970

का. ०८०० ३२०१—यतः केन्द्रीय सरकार की राय है कि इससे उपायद्वारा अनुसूची में विभिन्निष्ट विषयों के बारे में पश्चिमांशीय लिंग, पिपराडीह, शाहाबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7—के अधीन गठित केन्द्रीय सरकार श्रीद्योगिक अधिकरण संख्या 2, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या निम्नलिखित कर्मकारों की 60 वर्ष की आयु को प्राप्त होने से पहले सेवन निवृत्ति ठीक तथा न्यायोचित है? यदि नहीं, तो क्या ये कर्मकार बहाली प्रथवा किसी अन्य अनुतोष के हकदार हैं?

1. सोमारू रजवार	.	.	.	.	कैरीयर
2. दुसेनी मिया	.	.	.	.	धनवाहा
3. दुधारी चौधरी	.	.	.	.	मल्लाह

[सं. 12(23)/70-एल आर- (4)]

New Delhi, the 17th September 1970

S.O. 3302.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the management of Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan was justified in laying-off 264 workmen of the colliery with effect from the 1st August, 1970 and without paying any compensation? If not, to what relief are the workmen concerned entitled?
2. Whether the management of Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan was justified in declaring lock-out with effect from the 7th August, 1970 and continuing the same thereafter? If not, to what relief are the workmen concerned entitled?”

[No. 6/52/70-LRII-(1).]

नई दिल्ली, 17 सितम्बर 1970

का. ० आ. ० ३३०२—यतः केन्द्रीय सरकार की राय है कि इससे उपायम अनुसूची में विनिष्टियों के बारे में सेकेटेड कजोरा जम्बाद कोयला खान, डाकघर उखरा, जिला बर्द्दवान के प्रबन्धसत्त्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, यव, श्रौद्धोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (ध) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त प्रधिनियम की धारा 7-क के प्रधीन गठित केन्द्रीय सरकार श्रौद्धोगिक प्रधिकरण, कलकत्ता को न्याय निर्णयन के लिए निर्देशित करती है।

अनुसूची

“1. क्या सेकेटेड कजोरा जम्बाद कोयला खान, डाक घर उखरा, जिला बर्द्दवान के प्रबन्धसत्त्व का कोयला खान के 264 कर्मकारों की प्रथम अगस्त, 1970 से श्रौद्ध प्रतिकर दिए बिना कामबन्धी करना न्यायोचित था? यदि नहीं तो सम्बन्धित कर्मकार किस अनुतोष के हकदार हैं?

2. क्या सलेक्टेड कजोरा जम्बाद कोयला खान, डाकधर उखरा, जिला बर्द्वान का 7 अगस्त, 1970 से तालाबन्दी घोषित करना और उसके पश्चात् उसे जारी रखना न्यायोचित था? यदि नहीं तो सम्बन्धित कर्मकार किस प्रनुतोष के हृष्टदार है?"

[स ० 6/2/70-एल आर० II(i)]

SoO. 3303.—Whereas by an Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No 6/52/70-LRII, dated the 17th September, 1970, an industrial dispute between the employers in relation to the management of Selected Kajora Jambad Colliery, Post Office Ukhra, District Burdwan (West Bengal) and their workmen has been referred to the Industrial Tribunal, Calcutta for adjudication;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the lock-out in existence in the said colliery in connection with the said dispute.

[No. 6/52/70-LRII.(ii).]

का० आ० 3303:—यतः भारत सरकार के श्रम, रोजगार और पुनर्वास मन्त्रालय (श्रम और रोजगार विभाग) के आदेश सं० 6/52/70—एल आर० II तारीख 17-9-1970 द्वारा सलेक्टेड कजोरा जम्बाद कोयला खान, डाकधर उखरा, जिला बर्द्वान (पश्चिमी बंगाल) के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीचोगिक विवाद को श्रीचोगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित कर दिया गया है।

ग्रतः, अब, श्रीचोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त कोयला खान में उक्त विवाद के सम्बन्ध में विद्यमान तालाबन्दी के जारी रखने का प्रतिषेध करती है।

[सं० 6/52/70-एल० आर० II(ii)]

New Delhi, the 21st September 1970

S.O 3304.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Chowgule and Company Private Limited Mormugao Harbour, (Goa) and Shrimati Rosina Dias in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour Vasco-da-gama is justified in their action dismissing Shrimati Rosina Dias ex-female labour employed in Costi Mines with effect from the 6th November, 1969? If not, to what relief is the workman entitled?

[No. 8/21/70-LR-IV.]
P. C. MISRA, Under Secy.

नई दिल्ली, 21 सितम्बर, 1970

का० आ० 3304:—यतः केन्द्रीय सरकार की राय है कि इससे उपायदृ अनुसूची में विनिदिष्ट विषयों के बारे में मैसर्स चौगुल एंड प्राइवेट लिमिटेड, मार्मूगांगो हार्बर, (गोवा) के प्रबन्धन से सम्बद्ध नियोजकों और श्रीमती रोहिना के बीच एक श्रीचोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः अब, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार श्रीद्योगिक अधिकरण (संख्या 2), मुम्बई, को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या मैसर्स थौगुल एंड कम्पनी प्राइवेट लिमिटेड, मार्मूग्रां हार्बर, डाकफो-डा-गामा के प्रबन्धतंत्र की श्रीमती रोहिना डायस, भूतपूर्व महिला श्रमिक जो कोरटी खानो में नियोजित थी, को 6 नवम्बर, 1969 से पदच्युत करने की कार्यवाही न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष की हकदार है?

[सं० 8/21/70 एस० आर० IV]

नई दिल्ली, 29 मई, 1970

का० आ० 2217.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बंकोला कोलियरी, डाकघर उखरा, जिला बर्दंवान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है;

ओर या० के० 2218.—यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

आ०, अब, श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार श्रीद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या बंकोला कोलियरी, डाकघर उखरा, जिला बर्दंवान के प्रबन्धतंत्र की श्री दीनानाथ हरिजन, लादने वाले को 23 फरवरी, 1970 से पदच्युत करने की कार्यवाही न्यायोचित थी? यदि नहीं तो किस अनुतोष का हकदार है?

[सं० 6/18/70-एत आर० II]

नई दिल्ली, 1 जून, 1970

ए० आ० 2218—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इक्विटेबल कोल कम्पनी लिमिटेड, डाकघर सीतारामपुर, जिला बर्दंवान की नियामतपुर वर्कशाप के लुहारखाने में संविदाकार मर्सर डी० डी० अकबरी एंड ब्रदर्स से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीद्योगिक विवाद विद्यमान है;

ओर यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, अब, श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शिक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन भठित केन्द्रीय सरकार श्रीशोधिक अधिकरण, कलकाता को न्यायानिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या मेसर्स इक्विटेबल कोल कम्पनी लिमिटेड, डाकधर सीतारामपुर, जिला बर्देवान की नियमितपुर वर्कशाप के लुहाखाने में संविदाकार मेसर्स डी० डी० चक्रवर्ती एण्ड ब्रदर्स का 15 अगस्त, 1968 और 15 अगस्त, 1969 को देय वार्षिक वेतनवृद्धि मंजूर न करना और भारत सरकार द्वारा अपने संकल्प सं० डब्ल्यू बी० 16 (5)/66 तारीख 21 जुलाई, 1967 में यथा प्रतिगृहीत केन्द्रीय मजदूरी बोर्ड को कोयला खनन उद्योग के लिए की गई सिकारिशों के अनुसार महंगाई भत्ते का संदर्भ न करना न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष के और किस तारीख से हकदार है? [सं० 6/16/70/एल० आर० II]

एस० ओ० 2216—यत केन्द्रीय सरकार की राय है कि इससे उपबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में दि सिंप्रेनी कोलियारीज कम्पनी लिमिटेड, डाकधर कोठागुड्डम कोलियारीज (आन्ध्र प्रदेश) से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक श्रीशोधिक विवाद विद्यमान है;

और यत: केन्द्रीय सरकार उक्त विवाद को न्यायानिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शिक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक श्रीशोधिक अधिकरण भठित करती है, जिसके पीठासीन अधिकारी श्री मोहम्मद नजमुद्दीन हॉमे, जिनका मुख्यालय अफजल लॉज, तिलक रोड, रामकोट, हैदराबाद—1 पर स्थित होगा और उक्त विवाद को उक्त अधिकरण को न्यायानिर्णयन के लिए निर्देशित करती है।

अनुसूची

“श्री कंवो मलियाह द्वारा अनेक वर्षों से स्वभावित वर्कशाप की बैंकटेशवनी में खराकी के रूप में की जाने वाली वास्तविक ड्यूटियों को ध्यान में रखते हुए, सिंप्रेनी कोलियारीज कम्पनी लिमिटेड, कोठागुड्डम के प्रबन्धतान्त्र का उसे राज और दोलर मजदूर मानना और उसे मजदूर की मजदूरी (पुराना प्रवर्ग 3) का संबाध करना कहां तक न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष का और किस तारीख से हकदार है? ”

[सं० 7/17/69—एल० आर० II]

पी० सी० मिश्रा, अधर सचिव।

(Department of Labour & Employment)

ORDER

New Delhi, the 19th September 1970

S.O. 3305.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kandla Stevedores Association, New Kandla and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitute an Industrial Tribunal of which Shri Indrajit G. Thakore, shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE :

"Whether the Kandla Stevedores' Association Limited, was justified in refusing the payment of attendance allowance to the Dock Workers of Kandla from 5th February, 1969, to 24th November, 1969? If not, to what relief, if any, the concerned workers are entitled to?"

[No 28/16/69-LWL. III/P&D.]

(श्रम और रोजगार विभाग)

प्रादेश

नई दिल्ली, 19 सितम्बर, 1970

प्रा० धा० 3305.—यतः केन्द्रीय सरकार की राय है कि इससे उपायेन्द्र अनुसूची में विनिष्टिष्ठ विषयों के बारे में कांडला स्टीविडोअर्स एसोसियेशन, न्यू कांडला के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ग्रीष्मोगिक विवाद विद्यमान है;

ग्रोर यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना बोल्डनीय समझती है;

ग्रतः अब, ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-के और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय संरक्षण एवं विकास एक ग्रीष्मोगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री शशजीत जीं ठाकुर होंगे, जिनका मुख्यालय अहमदाबाद होगा और उक्त विवाद को उक्त ग्रीष्मोगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है;

अनुसूची

"क्या कांडला स्टीविडोअर्स एसोसियेशन, लिमिटेड, का कांडला के डाक कर्मकारों को 5 फरवरी, 1969 से 24 नवम्बर, 1969 तक हाजरी भत्ते का संदाय करने से इकार करना न्यायोचित था? यदि नहीं तो सम्बन्धित कर्मकार किस अनुसूच के, यदि कोई हो, हकदार हैं?

[सं० 28/16/69-एल डल्यू I-III/पी एंड ई]

S.O. 3306.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Central Government Industrial Tribunal, Bombay;

And whereas, an identical dispute in relation to the same management is pending before Industrial Tribunal, No. 2, Bombay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said dispute pending before the said Industrial Tribunal, Bombay, and transfers the same to the Industrial Tribunal, No. 2, Bombay and directs that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred and dispose of the same according to law.

SCHEDULE

S. No.	Parties to the dispute.	File No. and date of reference to the	S.O. No. of Gazette and date of its publication.
1.	Workmen and the management of Messrs J. Chaswan and Company, Bombay-10.	No. 73/5/70-P&D, dated 17th April, 1970.	S.O. No. 1577 Gazette, dated 2nd May, 1970.

[No. 73/5/70-P&D.]

C. RAMDAS, Dy. Secy.

का० आ० 3306.—यतः इससे उपाबद्ध अनुसूची में विनिर्दिष्ट ग्रौदोगिक विवाद केन्द्रीय सरकार ग्रौदोगिक अधिकरण, मुम्बई के समक्ष लम्बित है;

ग्रौर यतः, उसी प्रबन्धतंत्र के सम्बन्ध में एक वैसा ही विवाद ग्रौदोगिक अधिकरण सं० 2, मुम्बई के समक्ष लम्बित है;

ग्रतः अब, ग्रौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 3 अ० की उपशारा (I) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त ग्रौदोगिक अधिकरण, मुम्बई के समक्ष लम्बित उक्त विवाद के सम्बन्ध में कार्यवाहियों को एतद्वारा प्रत्याहृत करती है और उन्हें ग्रौदोगिक अधिकरण सं० 2, मुम्बई को अत्यरित करती है और निदेश देती है कि उक्त अधिकरण कार्यवाहियों पर उस प्रकार से आगे कार्यवाही करेगा जहाँ से उन्हें अत्यरित किया गया है और उन्हें विधि के अनुसार निपटायेगा।

अनुसूची

क्र०सं०	विवाद के पक्षकार	फाइल सं० और ग्रौदो- गिक अधिकरण को निर्वेश की तारीख	राजपत्र की का० आ० सं० और इसके प्रकाशन की तारीख
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1 मैसर्स जे० चसवन एंड कंपनी मुम्बई- 10 के कर्मकार और प्रबंधक।	सं० 73/5/70-पी० एंड डी० तारीख 17 प्रौले, 1970।	का० आ० सं० 1577 राजपत्र, तारीख 2 मई, 1970।
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[सं० 73/5/70-पी० एंड डी०]

सी० रामदास उप सचिव।

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

New Delhi, the 1st September 1970

S.O. 3307.—In exercise of the powers conferred by Section 6(1) of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Assistant Chief Settlement Commissioner, Punjab, Jullundur, as Additional Custodian of Evacuee Property for Punjab State for the purpose of discharging the Duties imposed on the Custodian by or under this Act, with immediate effect.

[No. 6072-A/CSC/69-ASO(L).]

(पुनर्वास विभाग)
(मुख्य बन्दोबस्त आयुक्त का कार्यालय)

नई दिल्ली, 1 सितम्बर 1970

एस० ओ० 3307.—निष्कात्त सम्पत्ति का प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 6(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा सहायक मुख्य बन्दोबस्त आयुक्त, पंजाब, जालन्धर को उक्त अधिनियम द्वारा या उसके अधीन अधिरक्षक को सौंपे गए कार्यों को करने के लिए तत्काल प्रभाव से पंजाब राज्य के लिए अपर निष्कात्त सम्पत्ति अधिरक्षक नियुक्त करती है।

[संख्या 6072-ए/सी० एस० सी०/69-ए० एस० ओ० (एल)]

S.O. 3308.—In exercise of the powers conferred by Section 6(1) of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Tehsildar (Sales) Headquarters Punjab, Jullundur, as Assistant Custodian, for the State of Punjab, for the purpose of discharging the duties imposed on the Assistant Custodian by or under this Act with immediate effect.

[No. 6072-A/CSC/69-ASO(L).]

एस० ओ० 3308.—निष्कात्त सम्पत्ति का प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 6(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए किन्द्रीय सरकार इसके द्वारा तहसीलदार (विकी) मुख्यालय मध्य पंजाब, जालन्धर, को उक्त अधिनियम द्वारा या उसके अधीन सहायक अधिरक्षक को सौंपे गए कार्यों को करने के लिए पंजाब राज्य के लिए तत्काल प्रभाव से सहायक अधिरक्षक नियुक्त करती है।

[संख्या 6072-ए/सी० एस० सी०/69-ए० एस० ओ० (एल)]

S.O. 3309.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Financial Commissioner (Taxation) & Deputy Secretary to the Government of Punjab, Rehabilitation Department as Assistant Custodians General of Evacuee Property for purposes of performing the functions assigned to such Assistant Custodian General by or under the said Act, with immediate effect.

[No. 6072-A/CSC/69-ASO(L).]

JANKI NATH,
Settlement Commissioner (C) and
ex-officio Under Secy.

एस० ओ० 3309.—निष्कात्त सम्पत्ति का प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 5 का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पंजाब सरकार के पुनर्वास विभाग में

वित्त आयुक्त (कर) एवं उप सचिव को उक्त अधिनियम द्वारा या उसके सहायक महाभिरक्षक को सौंपे गए कार्यों को करने के लिए तत्काल प्रभाव से सहायक निष्कान्त सम्पत्ति महाभिरक्षक नियुक्त करती है।

[संख्या 6072-ए/सी० एस० सी०/69-ए० एस० आ० (एल.)]

जानकी नाथ,

बन्दोबस्त आयुक्त (सी०) तथा परेन भवार सचिव।